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University of San Diego

**News Media Coverage
July / August 2005**



University of San Diego

**News Media Coverage
July 2005**

University of San Diego Print Media Coverage July 2005

Office of the President / Board of Trustees

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Office of the President

Driven to kindness

Car dealer Bob Baker steers a course toward philanthropy

By Bruce V. Bigelow
STAFF WRITER

Since he was in sixth grade, and spending a lot of time on the streets of Los Angeles, Bob Baker has felt as though someone was watching over him.

The San Diego car dealer says it seemed to begin with a portrait of St. Therese, the little flower, which hung on the back wall of a classroom in the boarding school he attended. The school was the sort of place where they put kids in a closet, or whipped them, if they misbehaved.

"Wherever I went, her eyes seemed to follow me," he recalled. "I had to find out who she was."

Therese, who died of tuberculosis in 1897, a few months

before her 25th birthday, gained sainthood for articulating "a little way" of finding God that was unorthodox for her era. If her approach could be summarized, it might be to practice random acts of kindness.

Baker, now 73, says that saint must have been looking out for him while he was fighting to stay out of trouble in L.A.'s Rampart neighborhood and when he served in an Army reconnaissance unit in 1953 at Korea's bloody Outpost Harry.

So Baker has been trying to reciprocate, in his own little way.

"He's always been very generous," said Father Joe Carroll of the downtown St. Vincent de Paul Village. "It's part of his

Bob Baker

Age: 73

Personal: Native of Los Angeles. Rancho Santa Fe resident. Married, five children.

Education: Business and accounting studies at Woodbury School of Business, Los Angeles. Numerous training and business management seminars sponsored by Chevrolet Motors Division, General Motors.

Professional: Purchased interest in Chevrolet dealership in Indianapolis in 1966 after 11-year career in Southern California and Texas as auto salesman, sales manager, troubleshooter and general manager. Acquired several Chevrolet dealerships before purchasing University Ford in San Diego in 1979. Bought and sold a number of new car franchises throughout the San Diego region over the next 25 years. Consolidated dealerships in 1984 under a holding company later known as Bob Baker Enterprises.

SEE Baker, C6

He served as a trustee at the University of San Diego for nearly a decade, and has been heavily involved in Catholic education. He says he is far less interested, though, in supporting political causes that energize some Catholic conservatives, such as abortion or homosexuality.

The car dealer is particularly excited these days, as four life-size bronze statues of St. Therese are nearing completion at Fire Art Foundry in Kearny Mesa.

Baker commissioned the statues and has arranged to have them installed at four locations: The Academy of Our Lady of Peace, a girls' high school in Normal Heights; the University of San Diego; the new Cathedral Catholic High School; and at a church in Carmel Valley.

The Diocese of San Diego intended to name the new church St. William of York, but Baker said he "negotiated" for two years to persuade Bishop Robert Brom to change the name to St. Therese of Carmel.

"I told him he didn't have a chance on that," said Msgr. Daniel Dillabough, a longtime friend of Baker's who is vice president for mission and university relations at the University of San Diego.

Nevertheless, Baker prevailed, although he admits that renaming the church "was a little expensive."

So how big was his donation?

"Let's just say it was in excess of \$1 million," Baker said.

The car dealer has had more time to work on his philanthropic interests these days. This year, he named his oldest son, Michael, as chief executive and his youngest son, Christopher, as chief operating officer. He says he still comes into his Mission Valley office before 8:30 a.m., but now he usually leaves by 2:30 p.m.

Baker described himself as "a very husky, strong kid and a tremendous wrestler all through school." He confides that he has shrunk an inch since he started in the car business, and stands at 5 feet, 6½ inches. His hair is a bit grayer, but he still styles it in a way that resembles the bow wave of a Coast Guard cutter.

Baker began selling cars in Los Angeles in 1954, after he returned home from a few near-death experiences during the Korean War.

He was a natural salesman, although it wasn't what he wanted to do. His childhood had shattered when he was 10 and his parents divorced. Bob was the oldest of four children, who were split up and placed with friends and relatives.

"I blamed the car business for breaking up my family," he recalled. "I went to no less than six high schools. I was living where I could and working all the time."

Baker said his dad was a car salesman who looked like the actor Clark

background. His family had a lot of problems."

Since 1979, when Baker bought University Ford, he estimates that he has given half a million dollars, more or less, to various causes throughout San Diego every year.

"I wanted to give back to the community," said Baker, who has been gradually easing back the throttle as chairman of Bob Baker Enterprises. It oversees the 10 local franchises of the Bob Baker Auto Group and related businesses, with nearly 800 employees.

With revenue of about \$450 million a year, the Bob Baker Auto Group ranks as one of San Diego's biggest dealerships.

Much of Baker's philanthropy has benefited Catholic schools and programs throughout the region. But he also has made donations for education, medical research and other non-denominational causes.

He insists his consistent giving over the past 26 years "never depleted me." He almost makes it sound like a variation of the miracle of the fishes and loaves, saying, "We always made it back."

In these post-Enron years, Baker says it's important to remind some business people of some other things in life that matter.

"They get to thinking about making the green, and they forget about their employees and everything else," Baker said.



Bob Baker was attentive to details in the statues, created by San Diego artist Lane Scott Campbell. Nancee E. Lewis / Union-Tribune

Gable. He had powder-blue eyes and drove fancy new cars, so he impressed a lot of women, Baker recalled. He also was an alcoholic and a gambler.

"His father was successful," said Baker's wife, Sherrill. "But he spent it on himself. He spent it on his cars and clothes and gambling. Bob's mother had to just badger him for money, and that was not an example that was good for a child."

As a kid, Baker sold newspapers with his brother Ron, who owns a Chevrolet dealership in National City.

"It was the school of hard knocks, but I wouldn't change the way I grew up," Baker said.

"I think a sense of achievement is what drives him," Sherrill Baker said. "It's just constantly pursuing what you want to do, or what you want to achieve."

During the Korea War, Baker said he made a pact with God to get him through alive. He says St. Therese must have been looking out for him, adding, "I can count nine times that I should've been either wounded or killed."

As he returned home after the war, Baker vowed to marry Sherrill, to never be poor, to be a good citizen and to

watch out for his brothers and sisters and the fragments of his extended families. He was 22.

Baker enrolled at the Woodbury School of Business in Los Angeles, and got what he expected would be a temporary job at Frank Taylor Ford, a dealership near downtown Los Angeles. Yet he excelled at selling cars, and he withdrew from college after a year, when Sherrill became pregnant.

"From there it's kind of a fairy-tale story," Baker said.

Sherrill Baker said their family moved frequently as Baker rose to sales manager, troubleshooter and general manager at different dealerships. He helped R. Mitchell McClure establish Courtesy Chevrolet dealerships in San Diego and El Paso, Texas. He resigned in 1965, when the Motors Holding Division of General Motors helped him acquire a stake in a Chevrolet dealership in Indianapolis, Ind.

"I wasn't going to let myself not be successful, and that's why it was so hard on (Sherrill)," Baker said. "I was gone for days at a time and she was raising these five kids."

At the time, most new car dealers were family-owned businesses operating at a single lot, or store. Baker wanted to own a number of dealerships. But he said the rules set by automakers made it difficult. Some carmakers, for example, prohibited dealers from owning more than one dealership in the same market.

As a result, Baker began to acquire Chevrolet dealerships in California while his was still building his franchise in Indianapolis. In 1979, Baker bought what was then known as University Ford, after he was thwarted in an attempt to buy a new Chevrolet dealership in Kearny Mesa.

The following year, he bought a Chrysler-Plymouth dealership in San Diego's Mission Valley. When he decided to merge it with his Ford dealership in 1983, Chrysler moved to terminate Baker, triggering a protracted legal battle.

The litigation ended in 1992 with a jury verdict that Baker described at the time as "a moral victory, not a monetary victory for me."

In the meantime, though, Baker became one of the first multifranchise dealers in California, said Peter Welch, president of the California Mo-

tor Car Dealers Association.

"One big difference I see between today and 10 years ago, is that successful dealers now rely more and more on relationship marketing," Welch said. "They want to maintain a long-term relationship with their customer base and they want to create a brand identity and an image in their market."

It goes without saying that cultivating a sympathetic image is important in marketing a consumer-oriented business like selling cars. But those who know Baker maintain it isn't just a facade for him.

"For years, I heard him on TV with that 'It's so nice to be nice,' " USD's Dillabough said. "But it's not just a catch phrase or an advertising jingle. That's really how he is."

Mike Baker says another element of his dad's success is his insatiable appetite for life, for growing the business and wanting to share with others.

"We like to promote from within, among the people who understand our culture," Mike Baker said.

Bob Baker shared his knowledge of the business with his managers, and allowed them to make investments in his dealerships and in some instances buy him out. He promoted his mentor-protege system throughout the state.

"There's a level of control, of wanting to do things the right way, of how he thinks they should be done," Mike Baker said. As a kid, "The level of responsibility that he learned, or was assumed, still exists today."

In 2002, Baker announced plans to sell the Bob Baker Auto Group to the Asbury Automotive Group in Connecticut for \$88 million in cash and stock. The deal fell apart after Ford balked at the sale.

So Baker has been developing a plan to convey the business to his sons.

"I owe a lot to General Motors, because that's where I got my beginning," Baker said. "And I owe a lot to Ford because they stood by me. But people can't do what I did anymore, because publicly traded companies are buying the dealerships."

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Bob Baker, the San Diego car dealer, stood with life-size statues of St. Therese. He is donating four of the statues to three schools and a new Catholic church. *Nancee E. Lewis / Union-Tribune*

Diane Bell

Daredevil calls leap his greatest



Forget Disneyland. One of the first things daredevil skateboarder Danny Way did when he returned home

to Encinitas after jumping over the Great Wall of China was to visit his doctor.

Thus reports his friend and business partner Rob Mertz.

Last Saturday Way sailed over the Great Wall and up above a mega ramp on the other side, landing with a thud after about a 40-foot free-fall on his fifth jump.

Way felt his shoulder pop out, says Mertz, who witnessed the landing from about 20 feet away (standing next to Way's mom). "It looked like a body dropping out of the sky. . . . I thought he'd broken both legs."

Way, 31, lives with pain. He broke his neck in 1994, and between 1999 and 2002, he had seven surgeries, five on his knee and two on his shoulder.

Soreness aside, Way declared the Great Wall jump his greatest accomplishment to

SEE Diane Bell, B10

date. And no time soon is he hanging up his Plan B skateboard, manufactured at Syndrome Distribution in Vista.

Mertz is Syndrome's president.

"Danny's always pushing the envelope trying to (advance) the sport," Mertz says.

Way dares to dream that his next challenge will be skateboarding out of a fourth-floor Bellagio Hotel window in Las Vegas. After that he wants to jump across the Grand Canyon.

London sightseeing

Security in London is tighter than ever after the terrorist bombings.

Hence, with Queen Elizabeth scheduled to give a speech, a group of San Diegans found the path to their tour bus blocked after a visit to the Tower of London.

To reach the bus, the group, which included Steve and Sandy Games, Maxine Gellens, Marty Gellens and T. Patrick Stubbs, had to find their way through back streets for about one mile.

Suddenly, they spotted bomb-sniffing dogs. Within minutes, along came a black Jaguar carrying the queen. She smiled and waved as she passed within feet of the astonished sightseers.

A treat for all, but especially for Games — it was his birthday.

The rest of the story

Poway youngsters Julia Rogers, 11, and her brother Matthew, 8, danced their way to victory Thursday against two other contestants in the youngest category of ABC's "Good Morning America" dance contest.

Then, yesterday, they lost the all-category finals to a 14-year-old tap dancer from Myrtle Beach, S.C.

But the pint-sized dancers loved the experience, reports their dad. They also enjoyed the limos, the TV studio, the New York sightseeing and especially spending some time with dancer Tommy Tune, one of the judges. . . .

On July 16, 1945, Oscar and Betty Mowery were married in the Navy Chapel on Park Boulevard. So it's only fitting that

the retired Marine Corps chief warrant officer and his wife will celebrate their 60th anniversary today by renewing their vows there.

Also on hand will be the couple's best man, retired fire Capt. Bruce Blauvelt.

The Mowerys were among the first to be married in the chapel, which was completed in June 1945. The building now is the home of the Veterans Museum and Memorial Center.

San Diegans Ink

It's a triple header: The San Diego Multiple Sclerosis Society chapter is honoring three university heads — SDSU's Stephen Weber, UCSD's Marye Anne Fox and USD's Mary Lyons — at its Sept. 22 gala.

Its theme? The "Diamonds of Academia." . . .

State Sen. Dennis Hollingsworth, R-La Mesa, and his wife, Natalie, have a baby girl. She debuted July 7, joining two brothers, Kenneth, 4, and Nathan, 2. . . .

Amazon.com is inducting local author and management consultant Ken Blanchard into the Amazon Hall of Fame. He has been declared one of Amazon's top 25 all-time best-selling authors.

Blanchard, of "The One Minute Manager" fame, has written or co-written more than 30 business books. . . .

Singer and porcelain-doll designer Marie Osmond had five of her eight children in tow Monday at Legoland in Carlsbad. . . .

Bill Brotherton, longtime former head of the San Diego Convention and Visitors Bureau, celebrated his 94th birthday the other day at the Westgate Hotel.

Among his guests, 91-year-old former Rep. Lionel Van Deerlin and Mike Schaefer, a former San Diego city councilman. Schaefer, now of Las Vegas, took in the closing arguments at the trial of San Diego Councilmen Michael Zucchet and Ralph Inzunza.

"Been there, done that," says Schaefer, who was among nine men indicted — and later acquitted — in a bribery scandal here in 1970. "I know Lance Malone and his attorney, Dominic Gentile, from Las Vegas," says Schaefer. "So it was nice to see familiar faces."

College of Arts & Sciences

CATCHING UP ON HISTORY

By Roger M. Showley
STAFF WRITER

Historians typically spend years researching, writing, and proofing — and then one day their books appear in the local bookstore.

For Iris Engstrand, a University of San Diego history professor, "San Diego: California's Cornerstone" hit a major political pothole on the way to its appearance last month.

Just as the 300-page paperback was being printed for Sunbelt Publications, San Diego Mayor Dick Murphy announced his resignation.

"It was literally 'stop the presses,' and they had to," Engstrand said.

To a paragraph about Murphy's contested election last year over Councilwoman Donna Frye, the city's pension fund problems and indictments on corruption charges against Councilmen Ralph Inzunza and Michael Zucchet, she added: "On April 25, 2005, as this book was going to press, Mayor Murphy announced his resignation."

She also added "Mayor Murphy resigns" to the tail-end of an exhaustive, 26-page chronology. "We e-mailed the changes on a disk, FedEx'd the blue-line page proof back and got it in," she said. "We couldn't do a heck of a lot but at least we got it in."

If Engstrand had held back publication a few more months, she could have reported on the July 26 mayoral special election; the result of the trial of Inzunza and Zucchet; opening of the new trolley line to San Diego State University; and a dozen other developments and issues swirling around the region.

But even if those updates have to await inclusion in a future edition, this

latest general history of San Diego will offer plenty for longtime residents as well as newcomers, particularly in price and design.

"This is the first paperback and it's reasonably priced (\$19.95)," Engstrand said. "It's good for teachers, for fourth grade on up to college. It's going to be absolutely the handiest overall guide on San Diego."

Engstrand has written two previous local histories but they were coffee-table styled picture books, financed by local companies and institutions that bought ads in the back pages. But she said that format was not conducive to retelling San Diego's past.

"When you get a lovely book, people tend to look at the pictures, read the captions and maybe read a part," she said. "I wanted, finally, somebody to read the text. I wanted pictures — even I wouldn't want to read a boring book with no pictures. But we are trying to keep the pictures low-key (they are all black and white)."

The text is mostly drawn from her 1981 book of the same name, which

she updated in 1992's "Gateway to the Pacific." For the 1990s and early 2000s, she has covered the ups and downs of the Chargers and Padres, military base closings, airport location wrangling, rainstorms and firestorms and the rise of biomedical and high-tech industries.

"The main updated part is on the (American) Indians because the Indians have changed and made so many gains since 1981," she said. "They've become a viable force in San Diego County. I think that's important."

But one thing given little attention is San Diego's numerous scandals, crimes and sensational stories that grab the headlines and then disappear. That seamy side holds little interest for this specialist on early Spanish California and author of 21 other books, including biographies and business and institutional histories. But she said bad news has resulted in a bit of silver lining in the national thinking about San Diego.

"I had a quote in the *Christian Science Monitor* where I said San Diego

The San Diego Union-Tribune • Sunday, July 17, 2005

has never been at the tip of anyone's tongue until the recent scandals," she said. "I said that a little off the cuff, but it's true. We have to show them we can be bad as the rest of them."

As a professor, Engstrand steers her students to delve into topics not otherwise explored in earlier publications. But the advent of the Internet since her last San Diego history has had a disturbing effect on students' research techniques, she thinks.

"A lot of times, if it's not on the Internet, it's hard for them to conceive how you go to the library — what is it, where is it?" she said. "We have to take them as freshman and have a library day tour."

Born in Los Angeles, Engstrand has taught at USD since 1968. In addition to her university duties, she serves on the board of the Natural History Museum and recently became editor of the *Journal of San Diego History*, which will be published jointly by USD and the San Diego Historical Society.

She is married to Paul Engstrand, an attorney specializing in water

rights, and enjoys sailing, swimming and other water sports. She has a daughter by a previous marriage and two stepsons. She and her husband live near the USD in Fashion Hills overlooking Mission Valley. Besides Engstrand's general history, two new paperback picture books on San Diego have been issued by Arcadia Publishing.

"Baseball in San Diego: From the Plaza to the Padres" is the prequel to local baseball historian Bill Swank's 2004 "Baseball in San Diego: From the Padres to Petco."

The story takes readers back to 1871 when the first "base ball" game took place at what is today Horton Plaza Park downtown. Swank also includes a 1929 game in which the California State League minor team San Diego Aces beat the San Bernardino Padres. That Padres team had no connection to San Diego's 1936 Pacific Coast League and National League teams of the same name.

Unlike most Arcadia picture books, Swank was allowed to squeeze out significant room for written accounts of the early history of baseball. But the charm still lies in the black-and-white images of the game and its many colorful characters.

"Camp Pendleton" by Thomas O'Hara, curator of the Flying Leatherneck Aviation Museum at the Miramar Marine Corps Air Station, consists mostly of contemporary photos of Camp Pendleton — its key buildings, training facilities and action shots of Marines.

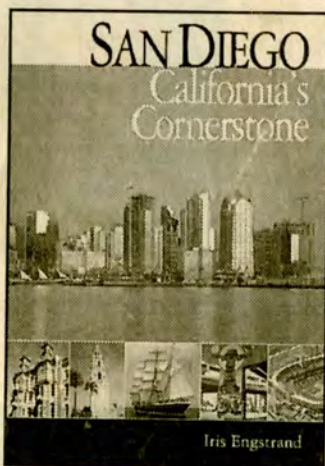
But history buffs will enjoy the few pages of the base as seen back through time and portraits of key names associated with place names at the base: Maj. Gen. Joseph H. Pendleton, who campaigned for a permanent Marine Corps presence during World War I; Maj. Gen. Alexander Vandegrift, Medal of Honor recipient for his leadership at the battle of Guadalcanal, Solomon Islands, in 1942; and Gunnery Sgt. John Basilone, the only Marine to be awarded the Medal of Honor and Navy Cross during World War II.

Both books are 128 pages and cost \$19.95. Arcadia previously published similar books on the Gaslamp Quarter, Lakeside and Pacific Beach.

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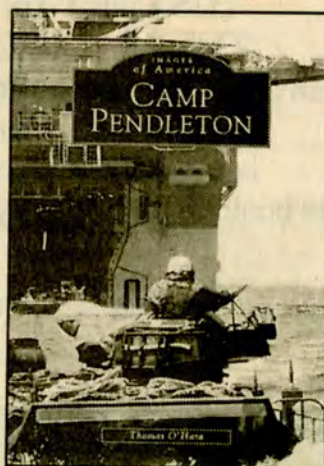


University of San Diego history professor Iris Engstrand finished her revised history of San Diego just as Mayor Dick Murphy announced his resignation last spring. She has written 21 other books. *Scott Linnett / Union-Tribune*



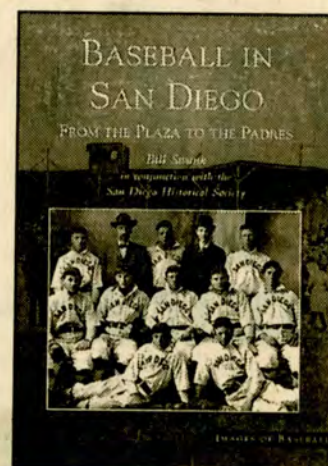
**"San Diego: California's
Cornerstone"**

by Iris Engstrand, Sunbelt
Publications, 300 pages, \$19.95



"Camp Pendleton"

by Thomas O'Hara, Arcadia
Publishing, 128 pages, \$19.95



**"Baseball in San Diego:
From the Plaza
to the Padres"**

by Bill Swank, Arcadia Publishing,
128 pages, \$19.95



Commission aspirants get more college credits in prep school

Submitted by: MCRD San Diego

Story by: Computed Name: Lance Cpl. Dorian Gardner

Story Identification

#: 2005715113110

MARINE CORPS RECRUIT DEPOT SAN DIEGO, Calif. (July 15, 2005) -- Marine Enlisted Commissioning Education Program Preparatory School students here recently added more optional courses good for college credits from New Hampshire Technical Institute and Plymouth State University.

Additionally, the University of San Diego has opened its state-of-the-art laboratories for the first time to MECEP Prep students. USD teachers' assistants join the Marine students and professors Thursday evenings for physics and chemistry experiments.

The courses are not USD curriculum, but the East Coast schools giving the credit require the labs hours.

"I think USD has enjoyed having the Marines so far," said school director Lt. Col. Michael I. Moffett. "The Marines are on time, and they always clean up. This is the first year that we have access to labs for chemistry and physics. USD has been very responsive and wonderful to work with."

The new lab opportunities offer a head start to those majoring in science and engineering, according to science instructor Lt. Col. William G. Wickun, MECEP Prep School.

Though the MECEP Prep School is not an accredited institution, students can register to earn credits with the two partner schools before prep school starts. MECEP, which only had two accredited courses in 2003 and six last year, now has nine.

Each lab course counts for four credits, allowing students to work toward degrees more so than ever. However, the college atmosphere is out of the norm for most Marines.

"It's a big change," said Sgt. Matthew Wijas. "I am used to just worrying about taking care of my Marines and

getting my job done. Now I am just worried about passing."

Classes like physics and chemistry also teach students practices they can use in life, which they are able to see first-hand in labs.

"A lot of the stuff they learn here they can apply to everyday life," said Charles A. Koehler, USD chemistry department. "Many of them did not know that salt lowers the temperature of water. They can use that next time they are cooking or boiling water."

By obtaining early credits at MECEP, Marines are able to get through college quicker and earn lieutenant bars sooner.

"Every MECEP student will take the courses, but not all of them want or need the credits right now," said Moffett. "If they want to register through the college for the credit, they now have the choice. I have a student who is working on 17 credits right now."

Moffett continued: "The value of these academic partnerships is that they can save Marines millions of dollars in reduced tuition expenses over time while getting MECEP officers back to uniformed duty sooner."

Cpl. Jess Levens contributed to this report.

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Photos included with story:



Sgt. Ethan Copping and a fellow MECEP Preparatory School student experiment with physics July 7 at a University of San Diego laboratory to earn college credits for MECEP Prep science classes. At Copping's recent lab visit, he learned to calculate velocity by trajecting a ball and averaging its speed and distance. Photo by: Lance Cpl. Dorian Gardner



After some instruction by Lt. Col. William G. Wickun, head science instructor at MECEP Preparatory School, students went to work in a University of San Diego laboratory July 7. Students determined specific heats of certain metals by calorimetry, an apparatus used to measure quantities of absorbed or evolved heat. Photo by: Lance Cpl. Dorian Gardner

We must help good candidates rise to the top

The San Diego Union-Tribune • Sunday, July 24, 2005

By Lawrence M. Hinman

Government depends on trust, and there is precious little of it left in San Diego public life today.

We look at the scandals plaguing our city. In quick succession, we have

Hinman, director of the Values Institute and professor of philosophy at the University of San Diego, writes widely in the area of applied ethics. He is the founder of Ethics Updates (<http://ethics.sandiego.edu>) and Ethics Videos (<http://ethics.sandiego.edu/video/>).

seen a mayor resign, two councilmembers convicted on federal charges resign, and a congressman announce he would not run for re-election.

We wonder, in dismay: Do the misdeeds of officials stem from stupidity, greed or cowardice? Did public officials not understand that some of their decisions were wrong and, in the light of day, probably illegal as well? Did greed blind these officials to truths that seem painfully obvious to impartial spectators? Or did some of these officials realize the folly of their policies but fear to tell the public

unpalatable news about the city's financial future?

These are questions that are being answered in courts of law as well as the court of public opinion. However, the most important questions San Diegans ought to raise are about our future. Can we restore the public trust so necessary to a flourishing public and political life in San Diego? How can we transform our "Enron by the Sea" to a thriving democracy with intelligent, temperate, and courageous leadership?

It is easy to discern the qualities we need in our political leaders. They

must be smart and well-informed, so that they grasp the often-complex issues that face our city. However, we need more than technocrats and neutral administrators: we need leaders with a particular kind of intelligence, an intelligence that sees policy implications and projects a vision of a better future. Leaders who lack this brand of intelligence will inevitably lead us down dead-end streets dictated by their own narrow prejudices.

Second, our political leaders must put the public interest ahead of private gain.

When we see our representatives apparently manipulating the law for campaign benefits, or a congressman receiving inappropriate benefits from a defense contractor, we begin to wonder whether these are public servants or individuals who expect the public to serve them.

Third, our political leaders must have a personal and public sort of courage. They need to have the fortitude to resist weighty pressures from ruthless special interests as well as the lures of personal power. Leaders also need the strength of character to tell the public important and difficult truths that we do not want to hear.

The city's financial problems were in plain view before the last election, but somehow we chose to ignore them.

The burden of leadership is not simply on the shoulders of our elected officials. It is also our responsibility and we must insist that our representatives speak the truth. We live in an increasingly Orwellian world in which politicians often seem simply to say whatever they want, and fewer and fewer people are upset by obvious lies. It is as though the public has lost the expectation of truthfulness, feeling that this is too high a standard to impose on public officials.

As citizens, we must have the same characteristics we expect of our leaders: we must be well-informed and thoughtful, we must care about the public interest as well as our personal benefits, and we must have the courage to speak of these things, both to our leaders and to one another. Otherwise, we will be unable to sustain a true community. All too often, we get the leaders we deserve, and the path to better leaders is often through better citizenship. When our leaders realize that we will not settle for less than real leadership, they may well provide genuine direction because it is the best path toward election.

The media must play a crucial role in the restoration of responsible leadership in San Diego. Not only does this mean avoiding fluff pieces about candidates' pets or favorite restaurants in San Diego and reporting the candidates' positions on the difficult issues before us, but the job does not stop there. The media also must provide critical analysis, clearly labeled as such, of those positions, carefully examining the details of those positions and the implications for our city of the candidates' proposals. Without these efforts on the part of candidates, citizens, and the media alike, we will simply continue to be a city in decline.

It is also important to realize that good people do bad things. Sometimes they do bad things because of character flaws — they become greedy, arrogant or simply afraid of doing anything that might jeopardize re-election — but not all the wrongdoing we see in public life is simply due to personal faults. Sometimes good people do bad things because of structural problems, situations that encourage and reward unethical behavior and punish those who play by the rules. If our public arena allows politicians to flourish by dishonesty and cheating, then we have failed our obligations to the good women and men who run for office on a platform of honesty and integrity, who tell us the truth and expect us to be mature enough to judge their candidacy wisely.

In many different areas of life, we should aspire to create environments in which people who work hard and play by the rules will rise to the top. All too often, this does not happen. In politics, the pressure for campaign money has become increasingly intense, forcing candidates both to spend inordinate amounts of time raising money and to encourage them to try to please the widest range of possible donors. We can imagine a political campaign based on ideas and principles and candidates willing to risk losing in order to stay true to their most fundamental convictions. Such leaders would be willing to stand out in front of the American public, to stake out a position and to invite — and challenge — voters to follow. Now sophisticated polling allows candidates to determine where public opinion is heading and then stand in front of it, proclaiming leadership when in fact they are merely slavishly following the advice of the pollsters.

If San Diego is to recover politically and financially from the scandals that have become increasingly common, we must create a political climate in which good candidates rise to the top. The first step in this process is to be good citizens; we must demand of our candidates that they be genuine public servants, thoughtfully and courageously pursuing the public good, and we must welcome those who tell the truth, even when it is something we do not want to hear. We can only take that step effectively if we have a media equally committed to good politics and campaign structures that allow the best candidates to rise to the top. We, as citizens, must create a public space for our city to flourish.

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The New York Times

July 24, 2005 Sunday
Late Edition - Final

SECTION: Section 4; Column 5; Editorial Desk; Pg. 12

LENGTH: 136 words

HEADLINE: Photographs and Labels

BODY:

I was surprised to read your comment on the difference between magazine and news photos: "The magazine, for instance, can reinforce the impact of a given article by deciding it wants a portrait that makes the subject look pious, or powerful, or gritty. Editors of the news columns, traditionally obligated to be impartial, aren't supposed to do that."

It seems to me that news editors generally do the same thing that you ascribe to magazine editors: they choose, and perhaps ask their photographers for, photos that fit the mood of the piece. At times when presidents are under heavy public criticism, I suspect that the photos are chosen to reflect an embattled president rather than a confident one.

LAWRENCE M. HINMAN
San Diego, July 3, 2005

The writer is director of the Values Institute, University of San Diego.

URL: <http://www.nytimes.com>

LOAD-DATE: July 24, 2005

Tim Sullivan

Steroid story loses its juice with pleas



The BALCO case closes without real closure. The little guys have copped their pleas, which means the big guys will probably be spared the inhospita-

ble inconvenience of open court.

Thus Barry Bonds can continue to cling to his improbable story without fear he may be compelled to contradict himself on the witness stand.

Thus Jason Giambi can continue to finesse the fine line between apology and accountability.

Thus justice can be served and flouted at the same time.

BALCO founder Victor Conte has agreed to four months in prison and four months of house arrest for distributing steroids and laundering money. Greg Anderson, Bonds' personal trainer, has pleaded guilty to the same crimes and could face a sentence of up to six months.

U.S. District Judge Susan Illston will rule on those pleas at a sentencing hearing scheduled for Oct. 18 — four days before the first pitch of the World Series — but the bigger ballgame is effectively over.

We're not going to get to hear the courtroom confessions of Conte's celebrity clients. We're not going to see baseball's most tainted sluggers under oath and on camera. We're not going to have the satisfaction of getting to

SEE Sullivan, D8

► SULLIVAN

CONTINUED FROM PAGE D1

Joe Fan cares not that stars off hook

the bottom of the steroids scandal. We're going to have to settle for suspicion.

Those among us who want answers, who want the truth and think we can handle the truth may have to wait for the book deal.

Those who would prefer that the whole murky mess just go away can take comfort that the story has just lost its legs.

"As a society, we're caught in between," said Larry Hinman, a professor of philosophy at the University of San Diego. "We have a desperate need for heroes. On the other hand, we sort of have the feeling that every time we

look too closely, they seem to be flawed.

"There's probably some relief about the settlement underneath. There are a lot of people who are uneasy, who think this may be the tip of something — perhaps an iceberg. We don't know, but it's not clear that we have enough courage to look."

Major league attendance trends would suggest fans generally prefer to look the other way. The Padres were one of nine teams to draw 3 million fans last season, and this year's big league ticket sales are expected to exceed 70 million for the first time.

All of those people who vowed to boycott the game in the wake of work stoppages and price hikes and ballpark taxes and steroid scandals have vacated their seats without leaving a void. Commissioner Bud Selig said Tuesday that industry revenues have more than tripled during his tenure,

which dates to 1992. If the integrity of the game has been imperiled by juiced ballplayers, it's tough to find tangible proof that the customer cares.

No surprise there. William Bennett declared "The Death Of Outrage" in a 1998 book concerning public apathy about the moral failings of Bill Clinton, and more recent events would indicate the problem is bipartisan.

When citizens fail to register righteous anger with corrupt and conscienceless public officials, why would anyone expect that home run hitters would be held to a higher standard? Based on baseball's ever-climbing turnstile count, why would anyone believe the legitimacy of its slugging records is an issue of pressing public interest?

"We need to turn the page," Bonds said this spring. "We need to forget about the past and let us play the

game. We're entertainers. Let us entertain."

If only it were that simple. Bonds and Mark McGwire would plainly prefer that their statistics be scrutinized more closely than their methodology, but the ripple effect of their midcareer growth spurts is undeniable and unhealthy. Prompted by the perception that Bonds, McGwire and others had bulked up through cowboy chemistry, thousands of young athletes concluded steroids were a necessary prelude to professional careers.

It is because of them, and not the records of Hank Aaron and Babe Ruth, that the BALCO case should have been prosecuted more publicly. Cutting a deal with the steroids suppliers might relieve some of the strain on crowded court dockets, but it's not nearly as strong a deterrent as the sight of famous sluggers squirming

under cross-examination.

"It's a sad situation," said USD's Hinman. "And I think it's just going to get worse. As you get more sophisticated ways of enhancing performance, I think you'll find that this will become the century of the altered athlete."

Bringing the BALCO culprits to justice isn't going to reverse that trend. Athletes will always be looking for an edge. Scientists will always be searching for shortcuts. So long as there's a buck to be made from better performance, there will always be someone willing to run the risk of a short jail sentence.

You might prefer that prosecutors drive a harder plea bargain. You might be surprised how few folks really care.

SATURDAY
July 16, 2005



THE SAN DIEGO
UNION-TRIBUNE

TUESDAY, AUGUST 9, 2005 • **Business News** • THE DAILY TRANSCRIPT

Sanders unveils 'recovery group'; Frye reminded of Murphy

By KEVIN CHRISTENSEN
The Daily Transcript

SAN DIEGO — Mayoral candidate Jerry Sanders has assembled a 15-member "City Hall Reorganization and Recovery Group" to assist in designing solutions for the city's growing financial and political woes.

Standing in front of City Hall on Tuesday, Sanders, a former police chief, told reporters the recovery group will be meeting weekly over the next four months to discuss issues including pension solutions, management structure, potential budget savings and the transition to the strong-mayor form of government.

"The people of San Diego

deserve a plan," he said. "They deserve more than campaign sound bites."

Sanders will face off against Councilwoman Donna Frye in the Nov. 8 run-off election.

Frye called Sanders' plan "governance by committee" similar to the methods used by former Mayor Dick Murphy, who left office July 15.

"The Dick Murphy model of governing by committee is not my style," she said. "I don't have problems making tough decisions by myself."

She noted that a plan for the transition to the strong-mayor form of government is already on her Web site.

Sanders said his recovery group

will compile information that will be periodically released to the general public in a format similar to white papers.

He could give no time frame on when or how many of the reports would be released.

"It's hard to nail anything down because most of these people still have real jobs," Sanders said in an interview.

None of the team members has agreed to join Sanders' permanent staff if he is elected. Part of the team's goals, however, will be to identify and help recruit people to fill those positions.

Sanders also noted that these individuals' agreement to assist in developing solutions does not translate to endorsements.

April Boling, one of the transition members and former chair of the Pension Reform Committee, said she will likely not officially endorse.

"I have not endorsed Jerry Sanders, but I would not have agreed to help on this project if I didn't believe he would make a good mayor," said Boling, a local accountant, former chair of the San Diego County Taxpayers' Association.

Boling added that she would also assist Frye if asked.

Peter Q. Davis, a member of the team and former chair of the San Diego Port Commission, echoed Boling's sentiments.

See **Sanders** on 5A

Sanders

Continued from Page 1A

"I consider Donna a friend," said Davis, a banking executive. "I'd come out and help her, too."

In a press conference the day after advancing to the run-off election after a contentious 11-candidate primary, Sanders said he was the "outsider" in the election.

Some of the transition members, however, have also been involved in city government and helped other city officials win elections.

Boling served as a campaign treasurer for former Mayor Dick Murphy; Davis served on the port and as chair of the Centre City Development Corp.; team member Benjamin Dillingham served as chief of staff to former Mayor Maureen O'Connor; and Lani Luntar served as campaign manager for Councilman Scott Peters.

"You have to have some insiders that have a good functional knowledge of how the city works," Sanders said.

Members of Sanders' team also include Ronne Froman, a retired rear admiral for the U.S. Navy; Marilyn Creson Brown, former director of the **Copley Press**; Walt Ekard, chief administration officer for San Diego County; and Alexis Gutierrez, a labor and employment law attorney for **Higgs, Fletcher, & Mack LLP**.

Additional members of Sanders' team include Peter Hekman, retired vice admiral for the U.S. Navy; Lawrence

Hinman, director of the Values Institute and professor of philosophy at the University of San Diego; and Vincent Mudd, president and owner of **San Diego Office Interiors**.

More team members include Garry Ridge, president and CEO of **WD-40**; Glen Sparrow, retired professor of public administration at San Diego State University; Deanna Spheeris, a neighborhood activist; and Gerald Trimble, a real estate economist for **Keyser Marston and Associates**.

Sanders also "encouraged" Frye to announce her list of

recovery group members.

Frye said she has been consulting with Diann Shipione, a former pension trustee and financial executive, and her husband Pat Shea, a local attorney who ran and lost in the mayoral primary on the platform that the city needs to enter into a Chapter 9 bankruptcy.

"I am already working on this, rather than waiting 'til November to come back to governance by committee," Frye said.

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Editions of the North County Times Serving San Diego and Riverside Counties

Tuesday, July 26, 2005

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Last modified Sunday, July 24, 2005 8:50 PM PDT

Ridgelines need protection

By: DENNIS M. CLAUSEN

The San Marcos Ridgeline Protection Task Force recently identified a series of ridgelines it hopes to protect from overdevelopment. Formed by the San Marcos City Council in February, the task force is charged with the difficult task of balancing the rights of property owners with the need to protect ridgelines from becoming permanent eyesores.

For many of us who are relatively new to North County, the one thing that is most impressive about the area is the magnificence of the surrounding hills and mountains. They create a sense of openness in a world that seems increasingly constrained.

Sadly, today homes are popping up along some ridgelines like individual slats in a huge picket fence. Other ridgeline developments look like someone hacked away at the hilltops with a massive butcher knife.

The problem is not with the view lots themselves. The problem is when houses are organized in artificial rows across ridgelines and/or when developments do not respect the natural contours of the land. Then they become eyesores, and North County loses much of its natural beauty.

Such is the case with several ridgelines in San Marcos. The flowing contours of these natural hillsides and mountaintops have been severely scarred and transformed. An acquaintance recently told me that these developments reminded her of a European caste system where royalty built their homes along ridgelines as symbols of their power, status and control over the people living below.

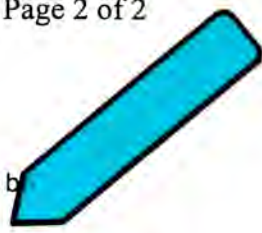
Frank Lloyd Wright (1867-1959), who broke completely with the European tradition of architecture, would agree. His fundamental rule of architecture was that any structure should be built in conformity to its surroundings. He strongly discouraged any structure that was out of place in its natural setting. Wright's style quickly became the American style of architecture.

For years, many planning ordinances encouraged similar structures. More recently, various factors have encouraged smaller, tighter neighborhood construction. Yet, wiser city planners have not completely abandoned Wright's principles.

The task force's efforts to protect San Marcos' ridgelines are much needed. Any successful working agreement between builders, property owners and the community would protect San Marcos from becoming "another Orange County," as Eric Harris of Friends of Cerro de Las Posas stated.

Similar efforts have been under way for some time in communities in Los Angeles County adjacent to the Santa Monica Mountains. Colorado has local and statewide organizations working on protecting its open vistas. Scenic America, a nonprofit organization, has led a nationwide effort to help communities protect their hillsides and ridgelines.

Our national love affair with open vistas is not merely a concession to aesthetics. Throughout our history, Americans have identified open vistas with a free and open society. When we protect our ridgelines, we protect future generations so they too can experience some of the same excitement that pulsed through the veins of



early settlers when they first realized there were no artificial barriers on American horizons.

Open, natural ridgelines symbolize something that is deeply and fundamentally American. They must be protected.

Escondido resident Dennis M. Clausen is a professor of American literature at the University of San Diego.

THE ART OF POLITICS

The San Diego Union-Tribune • Sunday, July 3, 2005

Stymied by policies and economics, theater artists are now rarely daring

By Anne Marie Welsh
THEATER CRITIC

From the darkness at the rear of the Mark Taper Forum stage in Los Angeles, Dakin Matthews steps forward to join two other actors playing architects of the Iraq war. Bland, stolid, stealthy, he speaks from one side of his mouth: "I had other priorities during the '60s besides military service."

Like so many moments in the opening scenes of "Stuff Happens," that snapshot of the vice president seems both living history and great theater. Within minutes, Dick Cheney, Paul Wolfowitz and Donald Rumsfeld will move toward fulfilling their 11-year-old plan to invade Iraq to secure America's strategic advantage in the Middle East.

Hans Blix will look for nonexistent weapons of mass destruction. Tony Blair will negotiate frantically with all sides, and most entertainingly, French minister Dominic de Villepin will pull the rug out from all of them before the warplanes pound targets secretly "softened up."

"Stuff Happens," the most serious and sobering play yet to arise out of the debacle in Iraq, did not get this first American production until a year after playwright David Hare completed it on commis-

sion from the National Theatre of Great Britain. There, on London's most important stage, it opened in September of 2004 to standing-room-only crowds, international attention, contentious press coverage outside the arts pages, and mostly enthusiastic reviews from theater critics.

Its title, taken from Secretary of Defense Donald Rumsfeld's notorious response to the widespread looting of Iraqi treasures after the American invasion, bookends the drama. The play ends with a speech by an educated, now baffled Iraqi exile who judges Rumsfeld's shrugging "stuff happens ... freedom is messy" response as "the most racist remark I have ever heard."

Emblematic of this cultural moment in the United States, no prominent American playwright has tackled the run-up to the war with anything like Hare's passionate, detailed attention. Anomalous as it may seem in a country intent upon building democracy elsewhere, free expression is being challenged by economic forces within the American arts community and assaulted by political forces without.

Conservative policies at the National Endowment for the Arts, unprecedented fines from the Federal Communica-

tions Commission, and off-the-books investigations at the Corporation for Public Broadcasting are taking their toll here, though not in Britain, where more than a half-dozen Iraq-policy-centered plays, including the harrowing "Guantanamo" have had high-profile premieres.

Though centered upon the negotiations before the invasion, "Stuff Happens" still feels lively and relevant. Yet even as the half-dozen Downing Street memos about America's manipulated intelligence and lack of postwar planning were moving gradually into newspaper and Internet reports two weeks ago, a Sunday matinee at the Taper was far from sold out. And though a handful of American critics — notably from *The New York Times* and the *Chicago Tribune* — did cover the London opening of the play in September 2004, the American premiere was greeted with far less national fanfare than one might expect for a play centering on U.S. foreign policy.

Taper director Gordon Davidson said that, to his surprise, there was "no bidding war" for the American rights to stage "Stuff Happens." He attributed that lack of interest by American producers less to a chilly climate for free expression ("It got worse during the Reagan years," he contends) than to the large and expensive scale of the show. With a cast of 22 actors playing 39 characters, he said "It's very large by today's standards, though the history form has to be, for the presentation of big ideas."

He said that, although he hadn't seen the British production, he read the play and was immediately eager to secure it. "American writers haven't connected yet to what the big questions are about the Iraq invasion; the war is ongoing, and no playwright has been able to wrap his arms around it yet."

SEE Politics, F4

The great chill

Compared with the outpouring of politically charged theater in the 1930s, the theatrical ferment of the Vietnam era and the surprising number of political plays of the late 1980s and early 1990s, including Anna Deavere Smith's multicharacter solos and Tony Kushner's "Angels in America," the first five years of the millennium have not been good ones for American political drama.

Allan Havis, the playwright and UCSD professor who edited "American Political Plays," described "the great chill across the continent" since the Sept. 11 attacks, attributing it to "overt paranoia and an unconscious paranoia that leads to self-censorship. When the Patriot Act allows the FBI to look at library lists and to investigate and arrest people for reading books on Osama bin Laden, it's no wonder so many artists have remained silent."

Another factor chilling theater, he said, is the retaliatory cutbacks at the NEA and changes in federal arts funding policies. In the late 1980s and early 1990s, both regional theaters and the NEA grant-making process could still help to bring difficult or uncomfortable political issues before the public — "not just three-character love stories."

Now, Havis contends, "regional theaters are sweating bullets looking at how old their audiences are and realizing that it's not hip anymore to go to theater, which it was in the 1960s and as recently as the 1980s."

Calling reaction to that audience aging "a downward spiral," he said "until the regional theaters bring the real feelings of people now and the pain of the younger generations to their stages, they're not going to cultivate a younger audience."

From the niplegate fines levied by the FCC after the brief exposure of a Janet Jackson breast during a Super Bowl halftime show, to recent attempts by Kenneth Y. Tomlinson to stack the Corporation for Public Broadcasting with Republican political operatives, Havis said, the chill is palpable.

Other local observers have cited the chilling effect of such policy changes, the increasing

infotainment emphasis of the media after Rupert Murdoch, and the gentrification of American cities where skyrocketing real estate values and rents have placed performance spaces beyond the reach of all but the most well-heeled mainstream artists.

In San Diego, several of those factors have conspired to either change the missions of organizations that were previously more politically active or to place them (and their theaters) on the endangered list.

San Diego institutions found themselves in the cross hairs of the culture wars when the first President Bush appointed conservative lawyer John Frohn-mayer head of the National Endowment for the Arts in 1990. Frohn-mayer in turn became the flash point for the Sen. Jesse Helms-articulated opposition to federal arts support when he overturned grants to a quartet of performance artists whose work had sexual and political content and who frequently appeared in San Diego.

Sledgehammer Theatre soon had a federal grant rescinded as it prepared to produce Mac Wellman's vulgarly titled political cartoon of a play that took an antic look at congressional reaction to so-called "obscene" photographs.

In 1994, when Republican leader Newt Gingrich joined the Helms campaign against the agency, Congress cut the NEA budget in half. To survive wounded, the endowment jettisoned grant categories that might support work offensive to Helms and his Acorn Group, an anti-gay, anti-smut congressional arts patrol first uncovered by reporters at *The Washington Post*.

While Helms was attacking the NEA, then-Secretary of Defense Cheney's wife, Lynne, recommended dismantling the National Endowment for the Humanities, which she headed from 1986 to 1993. Two years later, in 1995, she founded a conservative watchdog group to monitor college and university faculty. As *The Boston Globe* reported, the Cheney-founded group, the American Council of Trustees and Alumni, blasted 40 college professors as well as the president of Wesleyan University and others for not showing enough patriotism in the aftermath of the 9/11 terror

attacks. "College and university faculty have been the weak link in America's response," the council's report said.

The NEH survives; and much of the federal money has been slowly restored to the NEA, although most of that increase has been funneled, under Bush-appointed NEA head Dana Gioia, to such safe programs as Jazz Masters, American Masterpieces and Shakespeare in Communities.

In the 1960s, a comically subversive antiwar play like "Mac-bird!" could blame Lyndon Johnson for the assassination of John F. Kennedy and still enjoy a long off-Broadway run and stagings across the country. "That would never happen in this environment," noted Texas A&M theater scholar, Mike Greenwald, an editor of the "Longman Anthology of Modern and Contemporary Drama."

In fact, a revival of Stephen Sondheim's musical "Assas-

sins," was postponed after the terrorist attacks on the World Trade Center and the Pentagon. The darkly ironic show depicts, among other would-be presidential assassins, sociopath Samuel Byck, who in 1974 tried to ram a hijacked plane into the Nixon White House.

Alternative theaters and theater collectives (including Joseph Chaikin's Theater of the Open Eye, Mabou Mines, Julian Beck and Judith Molina's Living Theater, and the San Francisco Mime Troupe and El Teatro Campesino) drew sizable audiences in the 1960s when a widespread counterculture developed and many cities still subsidized rents for artists. "They tried to discover the pos-

sibilities of live theater, extending the uses of theater beyond its entertainment and financial functions," said retired UCSD theater professor Theodore Shank, who chronicled the movement in his study "Alternative Theater."



Heather Raffo wrote her first monologues about Iraqi women as part of her master's of fine arts thesis at the University of San Diego. *Joe Tabacca / Associated Press*

Such artists, he said, set out to discover and articulate "what they knew about being alive in changing times, about their society and its leaders." UCSD-based playwright Havis emerged during the heyday of alternative theater and says, "There really aren't any theater groups left now that have an essentially political mission as some of those did."

In "Stuff Happens," Hare depicts a confluence of ideas and a welter of personalities that created their own momentum. Instead of free debate and real choices among equals, the sheer, arrogant willpower of a few created an intimidating sense of inevitability in the many, who then backed an invasion in which no one considered the morning after, and no one has since offered a clue about what to do.

That no American playwright has taken up the mantle of the recently deceased Arthur Miller and attempted anything like Hare's scope or seriousness attests to how widespread those feelings of inevitability and intimidation have become. "Stuff Happens" at least opens a window to a larger world where, outside the U.S., theater artists still feel empowered to speak out about the pressing geopolitical issues we all face today.

Among individual American playwrights these last five years, there have been some exceptions. Though "Homebody/Kabul" deals with the Islamic fundamentalism of the Taliban, not with the secular tyranny in prewar Iraq, Tony Kushner's prescient play, completed just before the 2001 attacks, has had several American stagings, including a highly effective one at the Taper two years ago.

Heather Raffo's "Nine Parts of Desire," a solo play about Iraqi women that the actress began as a master of fine arts thesis at the University of San Diego, has been a surprise hit in a much-extended run off Broadway and will also tour some U.S. cities. While not ignoring the brutality of Saddam Hussein's regime nor the violence wrought by U.N. sanctions, the U.S. invasion, the occupation and insurgency, the piece focuses upon the voices of Iraqi women whose power to protect their own families has been severely compromised by Western policies.

During the period before the 2004 election, two higher-profile playwrights — A.R. "Pete" Gurney and John Patrick Shanley — created political satires off-Broadway, though neither dealt with the Iraq War. Tim

Robbins' "Embedded" proved a kind of agitprop revue, not a full-scale drama. Havis, himself, has written two plays that engage the "war on terror"; he's not sure either will find a producer, though the first was workshopped last weekend at actor Philip Seymour Hoffman's LAByrinth Theater in New York.

And locally, many stagings of relevant Greek tragedies, as well as Seema Sueko's new, and socially engaged Mo'lelo Performing Arts, are bringing war-centered dramas — though not Iraq and Afghanistan — to a public hungry for dialogue afterward.

Teen blogs

For better or for worse, teens are leading the way when it comes to journaling online

By JENNIFER VOGELSONG
Daily Record/Sunday News
Sunday, July 17, 2005

Create a new form of self-expression and chances are, teens will be all over it.

After all, they're the ones who practically developed a whole new language for use on instant messenger. They're also masters of text messaging — their thumbs darting around a cell phone's tiny keypad faster than some adults can use a regular keyboard.

So it shouldn't come as any surprise that they're taking over the newest trend in technology, communication and self-expression — the blog, or Web log.

Nearly 20 percent of all teens who go online keep one of these online journals, and that number grows every day. Even more teens regularly read their friends' blogs.

It's a place to vent, joke around and share the minutiae of daily life.

But it has also become a new forum for spreading rumors and gossip — even threats. Across the country, school administrators struggle with if and how they should monitor these cyber social circles. Parents worry about their children putting out too much personal information for public consumption.

Others hail blogs as a creative outlet and a great way to keep in touch with friends.

"I think for one of the first times in history, there's an opportunity for us to read what teenagers have to say," said Susannah Stern, assistant professor of communications studies at the University of San Diego who specializes in media and youth. "Never before did you get to read young people's thoughts, their concerns, their worries. It's fascinating."

* * *

Fascinating is one way to describe the entries in teens' online journals, but embarrassing, surprising or boring are other words that come to mind after browsing their posts.

Theresa Cornell, a 15-year-old rising junior at Dallastown Area High School, said blogs are a great way to keep in touch with friends when

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Bil Bowden - YDR

Theresa Cornell adds what she calls an 'embarrassing' photo of herself to her blog on xanga.com. The rising junior at Dallastown Area High School is one of an increasing number of teens creating personal blogs and using them to keep on top of school gossip and their friends' lives.

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THE ASSOCIATED PRESS/CHICAGO
By MARTHA IRVINE
AP National Writer

Survey says teens are more wired than ever

JUL. 27 4:35 P.M. ET A new survey says that the Internet has all but saturated the youth market.

The report compiled for the Pew Internet & American Life Project found that nearly nine out of 10 young people, ages 12 through 17, have online access -- up from about three-quarters of young people in 2000.

By comparison, about 66 percent of American adults now use the Internet.

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David Pulliam, a 17-year-old high school senior from Indianapolis, is a typical example of a wired teen.

He first got access to the Web when he was 13, as did most of those who were surveyed. He has a blog and loves to use instant messaging to stay in touch with friends he's met at camps and sporting events. He also gets his news online, as do about three-quarters of teen Internet users who were surveyed. That's an increase of about 38

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TECHNOLOGY	percent, compared with 2000 results.	Seeing that young business Openly
Economics Unbound		
Hot Property	"It's hard to imagine my life without it," Pulliam says of the	The Fed's Recruiting Pool
Tech Beat	Web. "In some ways, life would become a little easier	To the Water Borne
Well Spent	because it would slow down. But it would become a lot	Italy: Another Big Hole in the
TECHNOLOGY	more boring and hard because you would always be	Budget
Wildstrom: Tech	waiting for letters and responses."	
Maven		
Tech & You Podcast	At the same time, he says he and his friends also have	• More Headlines
Product Reviews	honed their Internet use -- seeing it more as a tool for	
Startups	communication or research than "a novelty."	
Special Reports		
Tech Stats	Amanda Lenhart, a Pew researcher, says that rings true with the findings of the survey.	
SMALLBIZ	"Teens are very selective -- they're smart about their technology use," she says. "They	
Smart Answers	use it for the kinds of things they need to do."	
Success Stories		
Trailblazing Companies	As one teen in a focus group told her: "If you're asking for your parents to extend your	
INVESTING	curfew, you don't send an e-mail."	
Annual Reports		
BW 50	The survey, completed in late 2004, included responses from 1,100 young people who	
S&P Picks & Pans	were contacted randomly by phone. It has a margin of error of four percentage points. Its	
Stock Screeners	findings included the following:	
Free S&P Stock Report	-- Of those surveyed, 87 percent said they use the Internet. About half of the young	
SCOREBOARDS	people who have online access say they go on the Web every day, up from 42 percent in	
Mutual Funds	2000.	
Info Tech 100	-- Three-quarters of wired teens use instant message, compared with 42 percent of	
S&P 500	online adults who do so. Teens most often reserve IMing for friends and e-mail for adults,	
B-SCHOOLS	including parents and teachers.	
MBA Profiles	-- About half of families with teens who have an Internet connection have speedier	
MBA Rankings	broadband access, while the other half still use phone lines to connect.	
Who's Hiring Grads	-- Nearly a third of teens who use IM have used it to send a music or video file.	
BW EXTRAS		
BW Digital	-- While 45 percent of those surveyed have cell phones, those phones aren't necessarily	
Dashboard Widgets	the preferred mode of communication. Given a choice, about half of online teens still use	
Handheld Edition	land lines to call friends, while about a quarter prefer IMing and 12 percent say they'd	
XML RSS Feeds	rather call a friend on a cell phone.	
XML PODCASTS	-- Older teen girls who were surveyed, ages 15 to 17, are among the most intense users	
Reprints/Permissions	of the Internet and cell phones, including text messaging.	
Conferences		
Investor Workshops	"It debunks the myth of the tech-savvy boy," Lenhart says. As young people get Internet	

access at younger ages, that trend may only continue.

Back in Indianapolis, for instance, Pulliam's 13-year-old sister, Anna, says she first set up an e-mail account at age 8 -- and started using it regularly at age 10. She's been IMing since she was 11 -- and already has a blog. She also uploads photos from her digital camera to a Web site to share with friends.

She does not have a cell phone yet -- though she notes that many people her age do.

That leads technology trackers to predict that text messaging, done by about a third of those surveyed who have cell phones, will grow in popularity.

"The more other kids are doing it, the more kids want to do it," says Susannah Stern, an assistant professor of communications studies at the [University of San Diego](#).

Still, as wired as many young people are, she says the fact that about 3 million of them remain without Internet access is cause for concern. Many of them are low-income and a disproportionate number are black, the survey found.

"When so many teenagers have such access, the few that don't are at a significant disadvantage," Stern says.

Daniel Bassill, who heads an organization that helps build the computer skills of low-income youth in Chicago, says it's an even greater challenge to find people to teach teens how to use the Internet.

"Even the kids that have access don't necessarily have people mentoring them to use the information to their greatest advantage," says Bassill, president of Cabrini Connections and the Tutor/Mentor Connection.

On the Net:

Pew: <http://www.pewinternet.org>

Cabrini Connections: <http://www.cabriniconnections.net/>

Martha Irvine is a national writer specializing in coverage of people in their 20s and younger. She can be reached at [mirvine\(at\)ap.org](mailto:mirvine(at)ap.org)

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U.S. kids today are (almost) all wired

By Martha Irvine
The Associated Press

CHICAGO — The Internet has all but saturated the youth market, according to a new survey.

The report compiled for the Pew Internet & American Life Project found that nearly nine out of 10 young people 12 to 17 surveyed have online access, up from about three-quarters in 2000.

By comparison, about 66 percent of American adults now use the Internet.

The survey, completed in late 2004, included responses from 1,100 young people who were contacted randomly by phone. It has a margin of error of plus or minus four percentage points. Its findings included the following:

- Of those surveyed, 87 percent said they use the Internet. About half of the young people who have online access say they go on the Internet every day, up from 42 percent in 2000.
- Three-quarters of wired teens use instant message, compared with 42 percent of online adults who do so. Teens most often reserve instant messaging for friends and e-mail for adults, including parents and teachers.
- About half of families with teens who have an Internet connection have speedier broadband access, while the other half still use phone lines to connect.
- Nearly a third of teens who use instant messaging have used it to send a music or video file.
- While 45 percent of those surveyed have cellphones, those phones aren't necessarily the preferred mode of communication. Given a choice, about half of online teens still use land lines to call friends, while about a quarter prefer instant messaging and 12 percent say they'd rather call a friend on a cellphone.
- Older teen girls who were surveyed, ages 15 to 17, are among the most intense users of the Internet and cellphones, including text messaging.

"It debunks the myth of the tech-savvy boy," says Amanda Lenhart, a Pew researcher. As young people get Internet access at younger ages, that trend may only continue.

As wired as many young people are, the fact that about 3 million of them remain without Internet access is cause for concern, says Susannah Stern, an assistant professor of communications studies at the University of San Diego. Many of them are low-income and a disproportionate number are black, the survey found.

"When so many teenagers have such access, the few that don't are at a significant disadvantage," Stern says.

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July 30, 2005

Conventional Wisdom

The only really surprising outcome in last Tuesday's election is that there were really were no surprising outcomes. San Diego voters went to the polls and voted pretty much the way the polls had said they would.

And, as a result, San Diegans still don't have a Mayor.

The conventional wisdom had Donna Frye the odds on favorite to come in first in the race for Mayor and former top cop Jerry Sanders the favorite runner up. That's exactly how things played out. And, even given the judicially-imposed two-thirds electoral bar to clear, Prop A—a wonderful piece of populist citizen-initiated legislation that seems destined to simply head back into the courts, ultimately resolving nothing--sailed to victory, as pollsters indicated it would. (Darn those accurate pollsters – especially John Nienstedt at Competivie Edge Research--who always seems to nail the numbers. They take all the suspense out of elections!)

The biggest smile from last week should be on the face of Jerry "I-may-be-a-nice-guy-like-Dick-Murphy-and-be-supported-by-a-lot-of-the-same-people-who-support-Dick-Murphy-but-I'm-not-another-Dick-Murphy" Sanders. While Sander's saw his support begin to wilt in the last days of the mayoral campaign in the face of heavy media attacks by Steve Francis, his 27% of the vote was sufficient to take him into the November runoff. Conventional wisdom can now only hold that the bulk of the predominantly more conservative Republicans who voted for third place Steve Francis will break towards Sanders come the Santa Ana's of fall. As will most of those

Carl Luna is a professor of Political Science at San Diego Mesa College and a lecturer on politics and international political economy at the University of San Diego.



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Catton earns degree

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Brittany Catton of Weston graduated from the University of San Diego May 29.

Ms. Catton earned a bachelor's degree in political science with a minor in leadership. At USD, she was president of the Student International Business Council, founded Rotaract, and was a member of Gamma Phi Beta sorority. She received the Aloysius Bedell award and was a Lucca Leadership Trust Scholar.

Ms. Catton is a 1999 graduate of Weston High School. Her parents are Don Catton of San Diego and Barbara Catton of Beaverton, Ore.

The University of San Diego is a Catholic institution of higher learning chartered in 1949; the school enrolls approximately 7,000 students.



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Cops aid college dreams

Marie McCain
The Desert Sun
July 27, 2005

The first year of college can be pretty difficult, but when you have the support of an entire police force, things might not seem too hard.

At least that's what the Palm Springs Police Officers' Association hopes.

Last week, the association awarded two soon-to-be freshmen \$1,000 each as part of the nonprofit group's philanthropic endeavors.

Austin Parker and Lauren Starrs, both 18 and both Palm Springs High School graduates, are children of Palm Springs police officers who qualified for the scholarships, said Palm Springs Det. Troy Castillo, who heads the Police Officers' Association.

Starrs won the Royce Madison Scholarship, named for the son of retired Palm Springs Police Sgt. Walt Madison.

A Palm Springs High School student, Royce died suddenly on Sept. 13, 1998.

Starrs, the daughter of Palm Springs Police Lt. Ron Starrs, plans to study biology at Brigham Young University in Utah.

Parker, who is the son of Sgt. Phil Parker, was awarded the Gary Kitchen Scholarship, named for a former Palm Springs police officer who died after a short illness on Feb. 16, 1998.

The younger Parker plans to study developmental science at the University of San Diego.

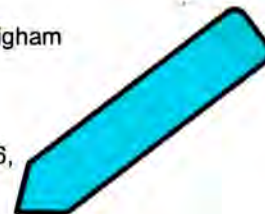
The association awarded two other scholarships earlier this summer on behalf of the Palm Springs Police Officer Memorial Scholarship Foundation.

The scholarships honor two of Palm Springs' finest who were killed in the line of duty.

Gale Gene Eldridge was shot Jan. 18, 1961 by a robbery suspect, while Lyle Wayne Larrabee was killed Jan. 1, 1962 in a traffic crash.

These scholarships went to Palm Springs High School students Briana Norman, 18, and Jessica Perrotte, 18.

Each girl received a scholarship for \$1,000.





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Housing Coalition scholarships help students achieve goals

Christine Mahr
The Desert Sun
July 11, 2005

Manuel Valenzuela was 17 and helping his family build their home when he decided he wanted to be a civil engineer.

In a scholarship application, he wrote, "During the construction process, I became interested in knowing how to design streets, how to make property lines and how the frames of houses were designed."

Valenzuela said he figured that if he became a civil engineer, many of those kinds of questions would be answered.

Today, at 21, Valenzuela is attending California Polytechnic University, Pomona, where he is working toward a degree in civil engineering.

He's one of 16 Coachella Valley students who are getting financial support for their college education from the Coachella Valley Housing Coalition, which this year is awarding \$14,500 in scholarships.

The scholarship recipients and their families live in some of the 2,500 homes and apartments the coalition has built.

"All of our scholarship recipients come from working-class families, and most are among the first in their families to be attending college," said Martha Mendez, John F. Mealey Scholarship Committee chairwoman and Coachella Valley Housing Coalition Self-Help Program specialist.

"It is an honor and privilege to be able to continue to help these students achieve their dreams so they will be in a position to help others in the future," Mendez said.

Housing coalition staff and board members created the scholarship fund in 2003 to honor Mealey, the coalition's executive director for 23 years.

This is the second year Juan Gonzalez, 19, has received one of the scholarships.

A third-year premed-biology/chemistry major at the University of San Diego, he plans to become a physician.

He wants to return to the valley to practice medicine because he sees a need here for medical services, especially for low-income families.

Ashley Porras, 19, another second-year scholarship recipient, attends San Francisco State University, where she's majoring in anthropology.

"I'm interested in traveling and other cultures," Porras of Coachella said.

The first-time recipients along with Valenzuela are:

Matias Castillo of Coachella, a freshman at California State University, Stanislaus, planning a career in dentistry.

Monica Cortez of Palm Springs, a freshman at the University of San Diego who's interested in majoring in business management or architecture.

Monica Garcia of Coachella, a psychology major in her third year at the University of California, Irvine.

Maria Gutierrez of Coachella, a UC, Riverside, freshman who plans to study pre-medicine.

Annellie Miranda of Coachella, an incoming College of the Desert student interested in pursuing psychology or law.

David Montes of Coachella, a UC Irvine math and economics major.

Erika Ramirez of La Quinta, a UC Irvine Spanish literature and studio art major.

David Torres of Mecca, a UCLA freshman interested in biology and pre-medicine.

Maria Verdel of Coachella, a UCR freshman pursuing a business degree.

Anel Yee of Palm Springs, who will be a math major at CSU San Bernardino.

Continuing scholarship recipients in addition to Porras and Gonzalez:

Agxibel Barajas of Coachella, a third-year business administration/political science major at the University of Southern California.

Gabriela Garcia-Ayala of Coachella, a third-year political science major/Spanish and Portuguese minor at UC Santa Barbara.

Juan Zaragoza of Coachella, a math major in his final year at UCR.

School of Business Administration

"They all got hired"

USD graduates first class with a master's degree in real estate

By BRAD SERAPHIN
The Daily Transcript

SAN DIEGO — The first classmates with a post-graduate degree in real estate recently graduated from the University of San Diego, and they all have been hired.

The Burnham-Moores Center for Real Estate held the first graduation ceremony for its Master of Science in Real Estate (MSRE) degree program on July 15 at the Joan B. Kroc Institute for Peace & Justice.

"It was important to us that we would have a first graduating class that was really pleased with our program," said Mark Riedy, executive director of the Burnham-Moores Center for Real Estate. "From the students perspective, this was an untested program. They were very demanding. It represents another step forward for us to graduate into the industry with a very broad perspective with a lot of contacts in the industry. They are going to integrate into the industry very quickly."

Riedy said this program would help distinguish the real estate industry in San Diego from Los Angeles and other cities in Southern California.

"They all got hired, and that means the industry was looking for management-type people," Riedy said. "The industry was looking for them, and we provided them. It certainly is a sign of the maturation of the industry and of the academic field. I think it will be more and more expected. It will be a big advantage to anybody that has that kind of degree."

Riedy also said the program is important to the university because it puts San Diego on the map.

"There are about a dozen programs that are like ours in the country," Riedy said. "We are probably more intense in immersing students in interaction in the industry."

Twenty students completed the 11-month cohort program that included interaction with more than 90 professionals through industry-sponsored live projects, executive roundtables, career mentorships and traditional class presentations.

As part of their studies, the students recently presented the results of feasibility projects, which included a hotel site location study and housing in USD's own Linda Vista community, as well as valuation projects that included a shopping center sponsored by Stuart Tanz, president and CEO of **Pan Pacific Retail Properties**; USD's Terrace Apartments sponsored by USD Housing Director Rick Hagan and **Hanken Cono Assad & Co.** President Al Assad; and a condo conversion project in Carlsbad sponsored by Benny Landman of **Coldwell Banker**.

"The industry involvement has been amazing," said graduate Kyle Moran, who accepted an assistant project-manager position with **The Corky McMillin Companies** after completing his internship with the company. "We were frequently

given real-world projects and input that went far beyond what we could have ever learned from a textbook alone."

The students also took lessons from professors who are industry executives, including **LandGrant Development** President Sam Marasco, **Autodesk Inc.** advisor Nancy Sanquist, and **London Group Realty Advisors** President Gary London. *San Diego Daily Transcript* columnist Sandy Goodkin, Urban Counsel President Mark Steele, and **Highland Partnership** principals Ian Gill and David Gardner were also instrumental in the program's success.

"It was important for us to have this program maintain a balance of academics and industry involvement," said Elaine Worzala, research director and professor for the Burnham-Moores Center. "We realized the importance of teaching our students real estate principles as well as letting them get hands-on experience from the wonderful industry professionals that have long supported the Center. I believe they are fully prepared to be successful in this industry."

Worzala emphasized the importance of students taking a year off to learn about the trade.

"The barriers to entry are not very high within our industry," Worzala said. "There are, what some would say, a couple of rotten apples. I am hoping this will provide some professionals that will hit the ground running. I think over the life of the discipline it is a sign that the discipline is becoming more respected. It's showing that the industry supports a more focused education."

Worzala attributes this demand to the current success of the industry.

"I think it's because there is a lot of capital out there that is now targeting real estate investment," she said. "These firms have grown and need the people power."

Lisa Holyfield, 27, completed the program.

"It is important because it gives you a great base knowledge," Holyfield said. "It's very heavily connected to the real estate industry in San Diego. You get to know everybody."

"I wouldn't call it a necessity, but I think it is a great stepping stone that is going to help you get into it a lot faster."

Graduate Jake Rasmuson, 25, said he thought the success of the program was a sign of how much the industry has grown.

"We work a lot with finance, public policy and ethics, and I think those are some of the bigger issues that are set forth," Rasmuson said. "They definitely got us out and prepared us to get jobs. It's definitely a great thing for San Diego and for the real estate industry as a whole."

Both Holyfield and Rasmuson said they grew up in families involved in real estate.

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BURNHAM-MOORES

CENTER FOR REAL ESTATE
UNIVERSITY OF SAN DIEGO

Congratulations Graduates



Master of Science in Real Estate Class of 2005

Daniel Berkus
Jean-Nicolas Biancamano
Blake Bitterlin
Thomas Crudo
Scott Darnell
Brandon Fishman
Brent Gleeson

Andrew Hatch
Lisa Holyfield
Trevor Hubbard
Theodore Jung
Maureen Keilly
Nicholas Markos

David Michan
Kyle Moran
Erik Otema
Salvatore Palma
Jacob Rasmussen
Michael Scafuri
Scott Wissbaum

MSRE Graduation Celebration
Friday, July 15, 2005
University of San Diego

Tomorrow's leaders are in school today. Visit our *Education Information*, *Education Issues*, *Hot Topics*, and *Having a Voice in Education* subsections by clicking on the tabs to your left.

Graduations and the Future

By SANFORD GOODKIN
Voice Guest Columnist
Saturday, July 23, 2005

These are the days when graduations dot the landscape of San Diego, where kids who wear shorts or jeans most of the time, or jackets that never match their pants, come together to hear faculty tell them how great they really were. It's like a memorial service where you never say anything bad about the recently passed away. This is a much happier time when the youngster says goodbye for the summer, is praised and fed, and gets to share time with family.

OPINION
(1-1)

I attended the graduation of the first class of the unique University of San Diego Masters of Science degree in real estate. It was first class all the way. USD provides a setting that brings spirit and architecture together in creative harmony that must rub off on those fortunate enough to experience it.

I was especially fulfilled to hear a couple of grads praise my coaching and love from the stage. I met happy grandmas and parents and siblings, who shared a real setting for love and tomorrow-land. It was San Diego's today and future at its finest.

The irony of it was evident in some other youngsters, elsewhere, who were being analyzed, described and prescribed -- home-born Englishmen who had blown up neighbors, strangers and young and old in the name of a god of intensity, which had taken over all other young values. In their actions was hidden the true costs, and journalists described the young men as otherwise normal and happy, even liked by their neighbors -- much like a serial killer is always described by neighbors as "quiet and well-mannered."

The hidden costs will be the rising insurance expenses, the expansion of private security firms, the emotional residues no matter where we live or travel. There will be climbing tension in the formerly mundane, even at Padres and Chargers games. And this tension won't stem from the opposing pitcher or quarterback.

So as we watch the meltdown in Australia's and Denver's housing markets and think about when that might occur nearby, we have something else out of our personal control, but never out of mind, again, how different young minds will be and what will influence their values.

Sanford "Sandy" Goodkin is acting chairman of Civic Solutions, a group of leaders who analyze San Diego's problems, prioritize them and search for solutions, representing diverse points of view. He is a trustee of the Urban Land Institute and is a pioneer of residential market and marketing analysis. Read his real estate columns at www.sgoodkin.com.

Would you care to voice your thoughts about K-12 education in San Diego?

Get the latest news and opinions delivered to your inbox every day. Sign up for our free e-mail newsletter.

New broker for Burns & Wilcox

Kay Wheeler of Poway has been appointed as a broker for Burns & Wilcox's San Diego office. Burns & Wilcox is a specialty insurance wholesaler, underwriter and managing general agent.

Synthetic Turf names regional rep

Synthetic Turf International, a global synthetic turf supplier and installer of synthetic putting greens and other synthetic surfaces, has appointed Elizabeth Brigman as regional sales representative for the San Diego County area.

Firm president joins board

Larry Nuffer, president of consulting firm Lawrence/Nuffer Communications, has joined the board of directors of New Haven Youth & Family Services in North County.

Keller Williams agents noted

- Chris Heller of Keller Williams has affiliated with moveUp.com and will be the exclusive agent for Carlsbad. MoveUp.com is a product of HouseHunt.com, an Internet firm that provides information to consumers in real estate markets across the country. Call (760) 632-8408 or e-mail chris@thehellerteam.com.

- Rita Brooks is now affiliated with Keller Williams Realty in Sabre Springs. Call (858) 679-0111 or (800) 748-5746.

DBA board sworn in

The board of directors of the Downtown Business Association of Escondido recently was sworn in, including President Irv Bernsen, Vice President Jack Campbell, Secretary Jim Rady and Chief Financial Officer Dave Barkin.

Barratt American makes promotion

Barratt American, headquartered in Carlsbad, has promoted Lenette Hewitt to vice president, sales and marketing, over all three divisions of the firm.

United Way chooses chairman

Doug Sawyer, who served as founding president and chief executive officer of La Jolla-based Legacy Bank from April 2002 through April 2004, has been named president and CEO of United Way of San Diego County.

Businessman to head Rotary Club

The Rotary Club of San Marcos has installed local businessman John Forst as its president for the 2005-06 term. Forst is a former chairman of the San Marcos Chamber of Commerce.

Carlsbad stylist relocates

Dorma Russell, formerly of Creative Hair Studio, is moving to Village Hairlines Salon at 1065 Carlsbad Village Drive. Russell is a professional photographer, makeup artist and hair stylist, and she also offers permanent makeup and eyelash curling. Call (760) 822-3353.

Local residents among first grads

The University of San Diego's Burnham-Moores Center for Real Estate recently held its first graduation ceremony for its new Master of Science in Real Estate degree program. The North County graduates are Michael Scafuri and Theodore Jung of Oceanside and Trevor Hubbard of Carlsbad.



Tuesday, July 12, 2005

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EastLake gives \$100K to Burnham-Moores Center

By ERIK PISOR, The Daily Transcript
Tuesday, July 12, 2005

The Burnham-Moores Center for Real Estate at the University of San Diego announced Tuesday it has received a \$100,000 gift from the **EastLake Co.**, making it the second such gift from the company in the last eight months, and the second gift of its size for the center in the past two weeks.

"We greatly appreciate the the EastLake company's generosity and faith in our program," said Mark Riedy, executive director of the Burnham-Moores Center, in a statement. "Their continuing support of our real estate students and participation in our industry conferences truly demonstrate their commitment to the San Diego region."

This gift, along with the previous two, will help fund the center's operating expenditures, which include research programs, industry outreach initiatives, and a number of student services, in addition to faculty and administrative support.

Balloon Risk Impacts CMBS

The mid-level, investment-grade (A through B) CMBS tranches are more significantly impacted by the risk of a borrower's inability to pay off an existing balloon mortgage at maturation than are the non-investment-grade tranches, according to research by Mark Eppli, a finance professor at Marquette University in Milwaukee.

"This is because of a number of factors, including rising interest rates at the time of refinancing, falling property values, changing underwriting standards, fewer multifamily loans and more interest-only loans in CMBS pools," said Eppli while speaking at the Real Estate Research Institute's annual research conference held in April at Chicago's DePaul University. "All of these conditions combine to make balloon risk greater and less term risk.

"Thus, balloon or refinancing risk, while modest in size at the whole loan level, becomes a significant portion of total credit risk when appropriately pricing individual CMBS tranches," he adds.

Furthermore, with more interest-only (IO) loans in CMBS pools today, balloon risk is being pushed up into the AA as well as the A pieces, because IO loans have less term risk, according to Eppli's observations.

"Prior to 2000, only four or five

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percent of CRE loans securitized were interest-only or partial interest-only in nature. Today, some 50 percent are. So the risk profiles of pools have changed," he says.

"In this year's first quarter," noted Jeannette Rice, vice president, market research for Crescent Real Estate Equities Ltd. of Fort Worth, Texas, during her discussion of Eppli's research, "57 percent of commercial loan originations were interest-only products."

Risk is also increasing because of more aggressive loan underwriting and higher LTVs, according to her analysis.

"Seventy-three percent of loans originated in the first quarter had over 90 percent LTV," Rice points out.

"Two years ago that was 53 percent," she adds. "A lot of mezzanine capital is bringing it to 100 percent in some cases, so borrowers have a lot less in the deal and, if the deal goes south, a borrower has nothing to lose and gives the keys back to the lenders. That's a growing risk and is potentially a great problem."

Additionally, Eppli cautioned that "changing subordination levels and changing interest rates at maturity critically impact the investment-grade tranches, increasing the total risk premiums for the A and triple B tranches by 28 to 229 basis points."

Balloon risk premiums for the A and double B tranches are 14 to 34 basis points higher, according to research simulation and analysis done by Eppli and Charles C. Tu of the Burnham-Moores Center for Real Estate at the University of San Diego.

Because term default has been so low (less than 2% on a cumulative basis), more commercial real estate loans will continue to reach maturity, Eppli's presentation pointed out.

"Weakly performing loans now make it to maturity and they become problem loans," he says. "Because we're stringing along some properties, the risk premium actually goes down for the B tranche and it forces that risk premium up the tranches. If loans default early, the B piece absorbs most of that risk."

From 1998 to 2004, subordination levels across the different tranches have been reduced by half for AAA tranches, 29% in 1998 and 15% in 2004. For AA tranches it has been reduced by 24% in 1998 and 12% in 2004, according to Eppli's studies.

Thus, as losses work their way up, they're going to more quickly get to the investment-grade securities.

"This change," he says, "gives us another reason why we need to do some sort of simulation by taking the information we have today and simulating it forward."

The behavior of recent pools will also be different than that of older pools because the size of loans has doubled over the last six to seven years and the percentage of multifamily loans, which historically have lower loss and default rates than retail and office, have fallen, Eppli's studies point out.

"The industry is looking at this issue of balloon risk in a rising-rate environment," says Rice. "This is the greatest risk to our industry, as the notes being originated today could blow up and could set real estate back about 15 years."

"Further, a lot of pricing today has nothing to do with risk," she adds. "Instead, a lower return is accepted for risk because there's an enormous appetite to put money out."

With rising interest rates, along with extremely tight spreads and aggressive cap rates," concluded moderator Martha S. Peyton, managing director of investment research and portfolio strategy at TIAA-CREF in

New York, "we're all very aware of the impending threat of refinancing risk."

- *Jerry DeMuth*

Profile

Del Mar entrepreneur and inventor has more than 50 toys and games to his credit with a new one coming soon

By Arthur Lightbourn

Like his father before him, British-born David Wyman is an inventor of toys and games. More than 50 of his inventions have been marketed throughout the United States and Europe, amusing children and adults alike.

His most recent game, Calamityville, from Fundex, incorporates a wild donkey into a 30-minute action Monopoly-like board game, slated for release this summer.

But, in the meantime, the 49-year-old Del Mar resident and father of two, will continue to inspire and teach others the intricacies of entrepreneurship at the University of San Diego's School of Business where he heads the university's Leadership Institute for Entrepreneurs.

We interviewed Wyman at his home in Del Mar.

A quiet-spoken, unassuming man, Wyman is not your stereotypical American-style entrepreneur. But like all successful entrepreneurs, he is definitely a contrarian with a passion for his work.

At 5 foot 9, 155 pounds, with grey-blue eyes and greying hair, and only a slight trace of a British accent, he keeps in shape playing volleyball and golf.

Born in Cambridge, England, Wyman spent ages 2 to 16 growing up in Washington, D.C. before his parents sent him to a boarding school in England for two years.

"It was barbaric," he recalled. "They have lots of rules and regulations. You had to wear a school uniform. Even during your free time, you couldn't wear anything with a pattern on it ... their version

of central heating was this little pipe that ran through the rooms.

"In those days, they had an oil crisis in '73, so you were only allowed to take a bath twice a week in six inches of water. The master would come in with a little ruler and check to make sure you weren't using any more than six inches of water."

Cambridge, however, was a lot more civilized.

As a typical Cambridge undergraduate, he played lots of rugby and spent much of his time socializing in the pubs. As a result, when he graduated from Cambridge he decided to sign on as a trainee for Allied Breweries, the largest British brewery at the time. "I loved beer," he said, so it made perfect sense.

The only thing he didn't figure on was being sent to Liverpool, which wasn't exactly his mug of brew.

He decided perhaps he had better explore his father's arcane world of toys. His father, Dennis, who is now 79 and still in the toy business, had been inventing electronic toys since 1969 and had gained a slice of fame as the inventor of the "Electronic Battleship."

"So I went down to the London Toy Fair, where I met these two guys," representatives of Germany's second largest games company, Schmidt Spiele und Freizeit.

"We had a short interview, 10 minutes. They were desperate. They wanted someone who could speak English because all the games being invented were in English. So they hired me at

twice the salary I was making in Liverpool."

That was in 1980.

The thought of going to live in Germany was "exciting and frightening at the same time...but I was always looking for a challenge."

As it turned out, he was assigned to work in Munich, "one of the world's great cities. I got very lucky. It wasn't Liverpool."

"When I first went to Germany, I didn't speak a word of German," he confessed.

But he quickly learned, because part of his job was to "meet all the crazy inventors" who wanted to sell their ideas to Schmidt Spiele. "My job was to champion them, to say this is a great idea, let's do this, or, in a polite way, tell them to go visit another company."

"Almost all the great ideas," he said, "come from outside inventors."

Any company that has an NIH (Not Invented Here) exclusionary attitude is courting disaster, he said.

While working for the German company, he discovered he had a good eye for marketable ideas and a passion for toys that up until that time he hadn't fully realized.

"I believe the trick of any really good toy designer is to have the mind and imagination of a 7- or 8-year-old," he said.

During his career, he has invented everything from baby toys, rattles and preschool toys to adult board games.

San Diego Clipping
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Some of these games include "Skate Frenzy," by Wham-o, a two-player pinball game; "Ego," "Greedy Pigs," "Shift, Tac, Toe," and Addams Family games. One of his most successful games was "13 Dead End Drive," a mystery action-clue game that sold 3 million copies.

Most toy industry games, he said, financially "are what I call heroic failures. You put a lot of effort into them and then they fail, but that's an issue of the toy industry in which 90 percent of all products are failures. The dream is to get one that sells a million or three million pieces."

Fortunately, he said, he scored with a couple of those volume sellers.

"In everything I did," he said, "I always did it with a partner and different partners. I'm just a great believer that two minds are better than one. We split the royalties 50-50."

After three years in Germany, Wyman returned to the UK where he earned his M.B.A. from Cranfield University and subsequently took over the remnants of his father's company, Granta Design, while his father was trying out retirement in the Channel Islands.

Working out of his home in London, Wyman began selling his

inventions on a royalty basis to British and European companies.

"It proved to be a hard slough in the beginning," he recalled.

He ran the company from 1984 to 1993 when he closed it down and immigrated to the U.S. where he started Wyman Associates in Southbury, Conn.

"If you want to be successful in the toy business," he said, "you have to crack the American market," he reasoned.

And that's what he began to do.

He also re-connected with Elaine Worzala, an American,

***'I believe the
trick of any really
good toy designer
is to have the
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of a 7- or
8-year-old'***

whom he met back in 1979 when he was a student at Cambridge. Her parents were visiting professors from the University of Wisconsin. "She was this young, vibrant American girl, and we became good friends," he said. "We've had a friendship for many, many years."

When they finally reconnected 16 years later in Connecticut, both had gone through divorces. A resident of Colorado, who was teaching for a year at the University of Connecticut, "she convinced me that Colorado was the place to go."

They moved to Colorado

where he obtained his teaching certificate from Colorado State University in 1999 and joined in a special project teaching entrepreneurship at Colorado State.

Then his wife, who was also teaching at Colorado State, got recruited to join the faculty at USD. "So they ended up getting me as well, in a two-for-one," he said.

They have been married now for eight years.

At USD, in addition to teaching and heading up the Leadership Institute, Wyman is also the faculty coordinator of the Student International Business Council, which gives students opportunities for leadership training and internships internationally.

Assessing his career to date, Wyman said he has avoided video games because that's a very specialized area.

"You have to know what you're really good at and stick to it," he said.

These days his main focus is teaching although he still keeps his hand in toy inventing and probably always will.

"Entrepreneurship is always about change and, as a result, the toy industry is a very exciting industry," he said.

"For instance," he laughed, "my children, 6 and 7 years old, are part of the new computer generation. So I think the world of the basic board game has really changed to being a totally electronic-driven vehicle these days. There are even electronic rattles."

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David Wyman



David Wyman with his children Zach, 7, and Nikki, 6, and some of the games and toys he has invented.

Quick Facts

Name: David Wyman

Distinction: A successful inventor with more than 50 toys and games to his credit, Wyman is executive director of the Leadership Institute for Entrepreneurs at the University of San Diego's School of Business.

Resident of: Del Mar for three years.

Born: Cambridge, England.

Education: Bachelor's degree in economics from Queens College, Cambridge, and an M.B.A. from Cranfield University in England. He also holds a teaching certificate from Colorado State University.

Family: Married eight years to USD real estate professor Elaine Worzala. They have two children, Nikki, 6, and Zach, 7, both students at Del Mar Hills School.

Mark of a great leader: "You're only as good as your successors."

Hero: Martin Luther King.

Current Reading: *Freakonomics*, by Steven D. Levitt, a study of what drives people's incentives; and *Blink*, by Malcolm Gladwell, about first impressions and how right or wrong they can be.

Favorite Foods: Indian foods and sushi.

Favorite Getaway: Palm Springs.

Favorite Film: "Indiana Jones."

Philosophy: "Seize the moment and live today with compassion and thought for tomorrow."

The Best Golf Courses in San Diego

By DAVE WYMAN
Contributing Voice
Saturday, July 22, 2005

One of the best-kept secrets in San Diego golf is "The Farms," a private golf club nestled in the southern hills of Rancho Santa Fe.

OPINION
(1-1)

The Farms is one of the most striking golf courses in the area. It trades on its reputation as a shotmaker's course which is always in beautiful condition. Head pro Don Sandberg suggests that the 13th hole is probably the signature hole, with a risky second shot over water to a tough green. However, the prettiest is possibly the 14th, a fairly innocuous looking 153-yard (from the blue tees) par-3 onto a green defined by cascading waterfalls. The eye-catching waterfalls seem to have an unfortunate allure for balls, too. When you have survived all 18 holes with the same ball, the feeling is heavenly.

How many other hidden treasures are there in San Diego golf?

My first option was to consult the "Zagat Survey of 2004". The guide ranked Maderas and Torrey Pines South jointly as the top two courses with a high rating of 27 points out of 30, closely followed by Aviara with 26 points. However, Zagat does not include private courses in its rankings. Thus, I opened the recent issue of *Golf Digest* to see where they ranked our top 30 private and public courses in the state of California. The results were a little surprising: our highest ranked course was The Bridges at 24th, followed by Rancho Santa Fe at 26th, with Torrey Pines South as the 28th best course in California.



Photo courtesy of The Farms

The 14th hole at The Farms, a private golf course in Rancho Santa Fe.

Chatting with various friends, I received numerous opinions.

Many whiskeys later, we were closer to finishing the bottle rather than the discussion. To settle the arguments, I resorted to asking the four golf pros from The Farms for their choices.

Top golf courses as chosen by the four golf pros at The Farms Golf Club.

Augie Kee	Paul Mailander	Don Sandberg	Ryan Studt
1. Rancho Santa Fe CC	Pauma Valley	The Farms	San Diego CC
2. San Diego CC	San Diego CC	Rancho Santa Fe CC	The Farms
3. Pauma Valley	Torrey Pines South	Pauma Valley	Pauma Valley
4. The Farms	The Farms	Carlton Oaks	Rancho Santa Fe CC
5. Barona Creek	Rancho Santa Fe CC	San Diego CC	Barona Creek
6. Grand Del Mar	Barona Creek	The Crosby	Coronado
7. Torrey Pines North	Coronado	Torrey Pines	Grand Del Mar
8. Balboa Park	Torrey Pines North	G.C. of California	Torrey Pines South
9. Coronado	La Costa	Grand Del Mar	Mt. Woodson
10. The Auld	Singing Hills	Maderas	Torrey Pines North

Key: Public courses are in green, private courses are in blue.

The consensus is that the top four golf courses are all private: Pauma Valley, Rancho Santa Fe, The Farms and San Diego Country Club. The ability to use all your clubs on a great layout in excellent condition seemed to be the common factor on all these courses.

Torrey Pines, Barona Creek and the Grand Del Mar (formerly known as The Meadows Del Mar) were ranked as the top public courses by our esteemed panel of club pros. Interestingly, Torrey Pines South made both *Golf Digest's* and *Golf* magazine's list of the top 100 greatest public courses at numbers 89 and 17 respectively, but it didn't even make the top 10 on one pro's list. Personally, like many San Diego residents, I would rather play the more scenic Torrey Pines North course on any given day than the brutal south course. Clearly, my friends and I will need to open another whiskey bottle to finish this discussion.

So how should one apply this knowledge?

First, get back to the driving range. Most of these courses are very challenging so you want to be up for the challenge. Next, network like crazy. I am frequently inviting guests to play The Farms for the first time. Like members of private courses, I love showing off my club. By the way, I haven't played Rancho Santa Fe, Rancho Valley or San Diego Country Club -- so if you are a member there, let's get together. Rolodex, please. On the course, keep swinging!

Dave Wyman is the executive director of the Leadership Institute for Entrepreneurs (LIFE) at the [University of San Diego](http://www.sandiego.edu) and has a passion for golf and entrepreneurship. Please contact him at dwyman@sandiego.edu.

Get the latest news and opinions delivered to your Inbox every day. Sign up for our free e-mail newsletter.

Leadership program helps develop less-intuitive skills



Navy SEAL Adam Smith knew that military leadership isn't quite as black and white today as it was in Gen. George S. Patton's day. Yet, he wasn't quite sure what leadership was all about.

"I'd always been involved in sports during my life and sort of naturally gravitated to leadership roles," he says. "I considered myself a leader."

But when he found himself a Navy lieutenant in charge of a special operations team, he realized his leadership was mostly based on intuition. He wasn't sure if he was doing the right thing for the right reason.

He was 26 at the time and in charge of people who had three and four times as much military experience as he did.

"I wanted to learn about leadership, to make sure I was doing what I should to get the best out of team-

mates," Smith says.

Smith just concluded a 22-month Master of Science in the Executive Leadership program at the University of San Diego. The program, developed by USD's School of Business Administration and the Ken Blanchard Cos., aims to show executives how the personal relationships they have with their employees can be used to make their own leadership more effective, as well as bolster organizational efficiency and success.

In the first six years of the program, 150 professionals, mainly high-ranking executives, have participated. Nearly 10 percent have been from the military.

"We knew San Diego was a military town, but we really didn't expect there would be such interest coming from military officers," says Kurt Gering, director of the USD program.

At first glance, the idea of developing a leadership style shaped by the talents and needs of the people down

the line seems counterintuitive to the command-and-control military culture.

"You know that some people think like that, and maybe that's the way it used to be, but nothing could be further from the truth today," says Smith, 32.

"Maybe it doesn't apply in combat or the heat of battle, but the majority of the time, I'm living, traveling and training together with a SEAL platoon that needs to function as a team. If it doesn't, the whole unit suffers."

Gering says that many managers and executives make the mistake of thinking their leadership style fits all situations.

"Leadership isn't the same in every organization, and it isn't even the same in every department in one organization," he says. "Our program puts 25 people from different walks of life together to share experiences. They find out very quickly that one organization can be dramatically different than another one."

Leadership is shaped by the individuals involved, their relationships, the culture of the organization, its values and its vision.

Smith says he quickly understood that to get the most out of his SEAL team, he had to be flexible.

"You've got 16 people on a team," he says. "They have different dispositions and different personalities. If you just bark orders, you have success with some and are not successful with others."

"I learned that if you look at each of the members of the team as individuals and show them that you understand, that you care about them, you'll stand a much better chance of bringing out the best in each one."

To depend on a command-and-control leadership style is to doom yourself to running an dysfunctional team, Smith says.

"I want guys I can count on, and I want them to know they can count on me," he says. "You demonstrate that

every day in what you say to them or how you ask them to do things. If people think you care about them and want to help them do well, they will do well."

It is a lesson, he says, that is being learned by military commands. Smith, who left his Navy assignment in May, says that he learned about the USD leadership program from senior officers.

"They know that the military has to change to remain effective and they want that most of all," he says. "So it makes sense to them that we learn new leadership techniques."

Though he's no longer in the military, the Pacific Beach resident says he has gained skills that will help him in whatever career path he chooses.

"I know that it's about the people and getting the best from them," Smith says. "I think that's a valuable leadership lesson."

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California Job Journal

Select 'Print' in your browser menu to print this document.

Issue: July 3, 2005

CAREER PROS: Leading by Example

by Michael Kinsman

The affair that Harry Stonecipher had with another employee at the Boeing Co. was between consenting adults. The female executive involved has not said she was pressured or coerced in any way, nor has anyone else suggested that.

Still, Stonecipher was fired recently as Boeing's chief executive officer, not specifically for engaging in the extramarital relationship but for violating the company's code of ethics.

Because other affairs between consenting adults happen every day inside many companies and people are rarely fired, Stonecipher's dismissal raises the question of whether it was justified or necessary.

Clearly, it was.

"Chief executive officers, other executives or anyone managing people have to be role models in their companies," insists Marc Lampe, a professor of business ethics at the University of San Diego. "Setting an example for people is one of the things these people have to do."

He says that executives help establish the standards that drive the behavior of other workers. "People look up the chain of command for cues on how they should approach their jobs," Lampe points out. "It comes with the territory that all managers should be mindful of how they conduct themselves, because it is going to be reflected in how others act."

Scandal Plagued

Boeing is particularly sensitive to ethics. During the past 2½ years, it has wrestled with the fallout from a procurement scandal that tarnished its reputation.

A former Pentagon official, Darleen Druyun, pleaded guilty to secretly negotiating a \$250,000-a-year executive job with Boeing while overseeing the Pentagon's negotiation of a \$23-billion contract. Druyun admitted inflating the value of that and other contracts for Boeing. She was sentenced to prison, along with the company's chief financial officer who hired her.

The scandal also led to the December 2003 resignation of Phil Condit as Boeing chairman and chief executive.

Stonecipher, a 68-year-old former McDonnell Douglas chief executive, was lured out of retirement 15 months ago to steady Boeing.

But when his affair was disclosed in an anonymous letter to company directors, it put the company into an uncomfortable position while it was attempting to put the procurement scandal behind it.

Walk the Talk

It's a Zoo, but Many Still Wild for City

San Diego's money woes and scandals have been ample fodder for jokes, but the sun-drenched tourist mecca may have the last laugh.

By TONY PERRY
Times Staff Writer

SAN DIEGO — For a city supposedly in the grip of crisis and scandal, San Diego looks amazingly attractive and tranquil.

Take Friday: Tourists and locals flocked to beaches, construction downtown charged forward, and city services continued without interruption.

No garbage in the streets, no large-scale exodus of businesses, no sinkholes, nothing reminiscent of New York in the 1970s or other urban invalids.

What's going on here? To update a Depression-era saying attributed to Will Rogers: If San Diego is going to the poorhouse, it's going in a Lexus.

While it is impossible to ignore the city government's problems, it is possible to overstate their effect on life. The litany is known: federal and state investigations, two convictions in a case called "Strippergate," criminal charges against six pension board members, feuding among City Hall officials and a \$2-billion pension deficit.

All true, but there is a disconnect between the well-being of the city and the woes of the city government. And there is also a disconnect between the political and administrative class of a hundred or so and 11,000 city employees.

"City employees are still working their [tails] off despite all this," said architecture professor Michael Stepner, a former city planner. "They're picking up the garbage, filling the potholes — all those things that a city does."

San Diego has rarely been as prosperous: an unemployment rate of 4.4% (below the state and national figures), investment flowing into the building and biotech sectors, tourists and conventions in record numbers, the Padres still in first place, universities expanding, and, this weekend, Street Scene, one of the nation's largest music festivals.

"I wouldn't say we don't have some significant hurdles to get over: Political uncertainty always translates into a certain amount of business uncertainty," said Julie Meier Wright, president of the San Diego Regional Economic Development Corp.

"But on the other hand, the positive attributes of San Diego are very strong. San Diego is most definitely open for business."

[See San Diego, Page B9]

[San Diego, Page B1]

While there may be bigger cuts ahead, reductions in city services have been mild, mostly trims in library and swimming pool hours.

The Police Department remains highly regarded, and city lifeguards routinely pluck swimmers from the undertow. A woman last week wrote the San Diego Union-Tribune to marvel at the speed with which city workers filled a pothole in front of her home.

So why has San Diego become a national punch line? Why did Fox News commentator Bill O'Reilly, when looking for an insult to hurl at Atlanta, decide on "it's almost as badly run as San Diego?"

San Diego's problems have played more as farce than tragedy. This is a no-casualties calamity. It's not, for example, like another controversial police shooting in Los Angeles. Also, it involves a city that tells the world it's "America's Finest" and almost begs to be brought down a peg.

Two main theories have emerged to explain the city government's predicament.

One, pushed by the Union-Tribune editorial page, is that rapacious labor unions and craven City Council members have sent the city government to the brink of bankruptcy.

Another is that the city's pinch-penny approach to government has finally caught up with it. This is a holy site for the anti-tax movement. None of the 11 mayoral candidates in last week's mayoral primary dared suggest raising taxes, not even on tourists or out-of-town businesses.

"San Diego has had a 30-year experiment with minimalist government," said Steve Erie, political science professor at UC San Diego.

Even in its time of travail, there is confidence that San Diego will survive the tarnish on its

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reputation.

"We're a national joke now, but we'll get out of this — the issues that are comedic are fixable," said lobbyist Michel Anderson, one of several longtime City Hall figures recruited by Deputy (and acting) Mayor Toni Atkins to guide her until a mayor

is elected to succeed Dick Murphy, who resigned July 15.

It has fallen to Atkins to protect the civic zeitgeist from a pounding of national ridicule. She was asked at a news conference Friday if she is pained by the put-downs by late-night comedians, such as Jay Leno's

crack that the president of Iraq has more job security than a mayor of San Diego.

Atkins moved here in the mid-1980s and her speech still has the flatness and dropped Gs of her native Oklahoma. But her answer was pure San Diego: "We still have the most beautiful

beaches and the sun. San Diego is still the most wonderful place to live."

Although service cuts are small, City Hall problems may have buckled the knees of some San Diegans. One of the declining economic indicators in a report issued by the University of

San Diego last week was local consumer confidence.

Despite Atkins' hope for a return of civility, it is unlikely the city's political turmoil will abate soon. Not with a mayoral election that has been reduced to the equation of super-chick (Donna Frye) versus former police chief (Jerry Sanders).

And not with a virtual shooting war between City Atty. Michael Aguirre and the rest of the government.

The morning after the mayoral primary, Aguirre told The Times that an era of good vibes was dawning at City Hall.

By nightfall, however, Aguirre had accused city officials of cheating employees on their investments, called for the city manager to be fired, and pressured the City Council to appoint three losing mayoral candidates who hold views similar to his to the pension board.

Atkins knows that perception can affect reality, and among her advisors are public relations specialists. But changing the outside view of San Diego may be difficult. The journalistic trope of the sunny city suffering storm clouds has been around a long time.

Take a story about San Diego in the Wall Street Journal that referred to the "beautiful seaside city" as the "victim of a whole string of bumbblings, scandals and disasters that make it seem almost a city cursed."

The front-page story appeared May 7, 1974.

Real estate commissions questioned

Agents' percentage remains unchanged

By Roger M. Showley
STAFF WRITER

In the pre-Internet era, homebuyers relied on real estate agents to chauffeur them around to properties, help search for mortgages and provide other services, for which buyers typically paid 6 percent commissions when they closed escrow on their American Dream.

For a \$139,000 median-priced home sold in 1988 in San Diego County, that commission would have been \$8,340, an amount shared equally between buying and selling agents and their brokers.

But today, despite the emergence of sophisticated online searches for homes and loans, the commission system remains virtually the same. The \$493,000 median priced home in June would have carried a 5 to 6 percent commission of

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► REAL ESTATE

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Competition among agents is encouraged

\$24,650 to \$29,580, a three-fold increase since 1988.

With annual home price appreciation rates in San Diego County, once running at 25 percent, now standing at about 6.3 percent and expected to flatten even further, sellers are bound to wonder why commissions aren't lower.

The answer may lie in the real estate industry's failure to take advantage of technological advances and in long-standing anticompetitive habits that border on "informal collusion," according to a new report from two Washington-based think tanks.

The inquiry originated with Robert E. Litan, a former deputy assistant U.S. attorney general in the antitrust division and author of a book on the Internet's impact on the economy. He said he paid a 7 percent commission on a home in Kansas a couple of years ago that was priced between \$450,000 and \$500,000.

"It sort of dawned on me, after I paid (the commission) why this transforming economy had not transformed this yet," Litan said.

Now director of the Joint Center for Regulatory Studies, operated by the conservative American Enterprise Institute and liberal-minded Brookings Institution, Litan and his colleagues issued their findings in a 30-page working paper earlier this month.

Competition an issue

"The key, in our view, is to create an environment that encourages rather than suppresses competition," they said.

The question of collusion was raised from a review of other academic work on the subject after it was found that commissions have stayed relatively stable at about 6 percent for 50 years. That's a sign of little price competition among agents, although commissions are negotiable between seller and agent.

"Given the relatively free entry into (the) agent market, some conclude that a form of price fixing, or at least an informal collusion, keeps fees at an above-competitive level," they

wrote. "This, in turn, could result in losses to consumers."

The National Association of Realtors, the industry's largest trade group and one of the largest membership organizations in the nation, has yet to officially respond to the report, but a spokesman rejected the premise that competition is lacking.

"The paper suggested collusion," said Lawrence Yun, managing director of research at the association. "That's nonsense. How can there be collusion when we have 1.2 million members?"

Recommendations

The authors issued three recommendations:

- Federal and state authorities should "carefully scrutinize" efforts to limit competition. They cited rules limiting public access to the Multiple Listing Service, where most properties for sale are posted.

- State legislatures and real estate commissions should "refrain" from passing laws and rules inhibiting competition. The authors expressed concern about attempts to ban commission rebates to consumers and to set minimum service requirements beyond present licensing regulations.

- Congress should not stand in the way of the Federal Reserve Board and Treasury Department allowing banks into the real estate brokerage business, authorized in the 1999 Gramm-Leach-Bliley Act.

University of San Diego economist Alan Gin speculated that the real estate industry is not changing quickly in the Internet age because agents advertise their services so heavily to consumers who only buy or sell a home a few times in their lives.

"It's going to take more time for competition to develop and for people to feel comfortable listing with other than a traditional real estate agent," Gin said.

He said more pressure is likely if the slowing housing market shifts to the buyer's side and sellers feel pressure to reduce prices.

"It all depends on the state of the market," he said.

Clearly, real estate commissions in rapidly appreciating markets such as San Diego generate more income to successful agents than they did 17 years ago.

In 1988, it took four sales of median-priced homes to generate the equivalent of a median household income of \$34,500 for a family of four. Today, it

takes commissions from just over two sales to nearly equal the median household income of \$63,400.

Jill Morrow, who heads the Coldwell Banker real estate offices in San Diego County, said commissions have stayed high to compensate agents for newspaper advertising, office rent and other overhead expenses.

But the U.S. Bureau of Labor Statistics says inflation has not pushed prices up as fast as real estate commissions. The \$8,340 commission of 1988, when adjusted for inflation, figures out today at \$13,712, according to the bureau's inflation calculator. That is less than half the actual commission paid on the same median home today.

Lure of high pay

The high compensation may explain why local real estate licensing schools are reporting record enrollments and local realty associations are signing up thousands of new members.

A part-time realty career can be quite lucrative. An agent could earn nearly \$90,000 a year by selling a median-priced home every month and sharing his or her commission with a

Economic index for San Diego held steady in June

By Dean Calbreath
STAFF WRITER

An index of local leading economic indicators was unchanged in June, breaking a five-month string of declines and suggesting that the economic outlook later this year might be brighter than previously thought.

Rising stock prices, a declining jobless rate and an improving outlook for the national economy helped bol-

ster the index maintained by the Burnham-Moores Center for Real Estate at the University of San Diego.

But those positive signs for the economy were offset by declines in consumer confidence, help-wanted advertising and residential building permits.

"While the outlook for the local economy is not strong, it is not as negative as was thought in recent months," said USD economist Alan

Gin, who compiles the index. "The forecast is for continued slow to moderate growth for the rest of 2005."

The halt in the decline of the index came amid brightening news in the U.S. economy, including a surge in home sales, healthy growth in the gross domestic product and an upward tick in the national economic indicators maintained by the Conference Board, a business-supported research group.

"The national economy is looking a lot better than it did earlier this year," Gin said. "It may finally be out of the woods. And that's going to help us locally."

Another positive sign is the continuing upsurge on Wall Street. The Standard & Poor's 500 and Nasdaq indexes hit four-year closing records yesterday, fueled by strong quarterly

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► S.D. ECONOMY

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Dip in consumer confidence may signal slowdown

earnings and economic data. And that has been reflected in local stocks.

The share price in Poway's Aldila Co., for instance, is at its highest point since 1998. Invitrogen's stock is higher than it's been since 2000, and such companies as Callaway Golf, Cohu, Community Bancorp

and Maxwell Technologies are trading at or near 12-month highs.

"There's been a nice uptick in the telecom market, which should help Qualcomm do well through the end of the year," said Bud Leedom, publisher of the *California Stock Report*. "And there are other pockets of strength, such as Websense, ResMed and the real estate investment trusts, which should continue to do well until mortgage rates start going up."

Ryan Singer, an economist at the Greater San Diego Chamber of Commerce, said he is concerned about the continuing decline in consumer confi-

dence, which has dropped 11 percent over the past year.

A decline in consumer confidence could hint at a slowdown in retail spending, which accounts for two-thirds of the economy.

But Singer said it is possible that one reason for the drop in confidence was the concern over instability in City Hall, in the light of Mayor Dick Murphy's resignation and the recent convictions of Councilmen Michael Zucchet and Ralph Inzunza in a federal corruption trial.

"Consumer confidence is susceptible to any changes in the perception of the current

environment, which includes politics as well as economics," Singer said.

Singer added that now that the mayoral race has cleared its first hurdle, it is likely that consumers' outlook may start to improve.

"A lot of other underlying factors in the local economy — such as employment growth and consistently strong consumer spending — are very positive and have been since the beginning of the year," he said. "And I think consumer confidence has hit bottom as well."

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San Diego's Business Daily

Friday, July 29, 2005

County's economic indicators flat in June

The University of San Diego's Index of Leading Economic Indicators for San Diego County was unchanged in June, according to professor Alan Gin, School of Business Administration.

The Index of Leading Economic Indicators for San Diego County stood at 142.0 in June, unchanged from the same revised reading in May.

Three components (initial claims for unemployment insurance, local stock prices, and the outlook for the national economy) were positive, with the outlook for the national economy particularly strong. Counterbalancing this was a sharp drop in consumer confidence and smaller declines in building permits and help-wanted advertising. June's unchanged reading broke a string of five consecutive decreases in the USD Index of Leading Economic Indicators. Source Code: 20050728tlb

State's payrolls climb for sixth straight month

One forecaster sees economy losing steam

By Dean Calbreath
STAFF WRITER

The number of jobs in California grew for the sixth straight month in June, keeping pace with national employment growth, the state Employment Development Department said yesterday.

California employers created 15,600 jobs in June, according to the EDD. The state accounted for 11 percent of the 146,000 positions

created nationwide, roughly proportionate to the size of California's population.

"Clearly the economy is growing and moving in the right direction," said Sun Wong Sohn, chief executive of Hanmi Bank in Los Angeles. "On the whole, California is a much more diversified economy than it has been in the past, and we seem to be firing on all cylinders, with the possible exception of the manufacturing sector."

But other economists say that jobs are still not growing fast enough to match the rising population. The state unemployment rate

rose to 5.4 percent in June from 5.3 percent in May, largely because of an increase in the number of people looking for work.

"We're still below where we need to be to keep up with population growth, and I'm worried that things could slow even further over the next six months to a year," said Stephen Levy, who heads the Center for the Continuing Study of the California Economy in Palo Alto. "With rising interest rates, mortgage rates and oil prices, it's hard to see how employment will grow at the current pace."

On the other hand, Levy said, the

recent pace of employment growth in California runs counter to recent concerns that jobs are leaving the state.

"Everyone worries about California lagging the rest of the nation, but it's just not true," he said. "We're not losing our share of growth. If you look at California outside the Bay Area, it's doing much better than the rest of the nation."

Levy added that even in the San Francisco Bay Area, which is still suffering the effects of the dot-com

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► EMPLOYMENT

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Economist says many new S.D. jobs are low-pay

crash of 2000, a growing number of companies have increased their profits.

"They're just not adding jobs," he said.

Over the past year, professional and business services showed the strongest employment growth, adding 65,300 jobs. The job increase was fueled in part by the state's housing market, which has generated a flood of work for real estate agents and mortgage brokers.

Construction firms added 54,000 jobs — 6.4 percent growth — largely because of the housing boom.

But the real estate market has been cooling statewide, and real-estate-related jobs have been slowing as well. While construction jobs remain strong, the rate of growth is far below last year's torrid pace of 9 percent.

"Real estate as a driver of the economy has peaked," said Christopher Thornberg, economist at the Anderson Forecast of the University of California Los Angeles. "That's not to say that it's not important. But it's no longer a growth force.

We've gone from first gear to neutral."

Thornberg differed with the EDD figures. According to the Anderson Forecast's calculations, using different algorithms and data than the state economists, California lost 4,400 jobs last month rather than gaining any.

"I don't have an explanation why our numbers are showing such a divergence, but in both sets of numbers I see every sign of an economy that's starting to lose a little speed," Thornberg said.

Thornberg said the growth in professional services has been a positive sign, but he added that the biggest growth over the past year has been in construction, which may be peaking, and in film-related jobs in Hollywood, "which tend to be easy come, easy go."

In San Diego County, employers added 6,400 jobs last month, with 1,800 more jobs in hospitality services, as resorts and restaurants geared up for summer vacationers, and 1,200 new construction jobs, bringing the county's construction work force to an all-time high of 92,900.

The official unemployment rate — which, unlike the state's rate, is not adjusted for seasonal changes — rose from 3.8 percent to 4.4 percent. But Cheryl Mason, who coordinates the EDD's work in San Diego and Imperial counties, said that such a spike in unem-

ployment is typical at this time of year.

"We normally see an increase in June and through the summer months as students and teachers enter the labor market looking for work," Mason said.

She added that the rate typically spikes between 0.5 and 0.7 percentage points in June, so last month's rise was within the historical range. The Anderson Forecast, which calculates a seasonally adjusted rate for California counties, estimated that unemployment remained flat at 4.1 percent between May and June.

"Things are not spectacular in San Diego," said Alan Gin, economist at the University of San Diego. "What we really appear to be seeing is more of the same type of growth that we've been having throughout the year — and much of the job growth seems to be in low-paid jobs."

Gin noted that construction has generated many of the high-paid jobs in the county, but the growth rate has dropped sharply, from about 9 percent last year to 5.8 percent so far this year.

"That's worrisome, since that was one of the few areas where jobs were growing," he said.

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Growth in home prices slackens

With 6.3% rise, median still hits record \$493,000

By Roger M. Showley
STAFF WRITER

San Diego County's housing market continued to cool last month, with prices rising 6.3 percent from a year earlier to a median of \$493,000, DataQuick Information Systems reported yesterday.

While the median price was a record for the region, surpassing December's level of \$491,000, the rate of appreciation was one-third what it was a year ago.

The rest of Southern California also experienced a slower pace of price appreciation. But analyst John Karevoll of locally based DataQuick said a "soft landing" rather than bursting bubble is in store for the months ahead.

"It's very likely or very possible that by the end of the year, we'll have price in-

creases between zero and 5 percent," Karevoll said in an interview from his summer home in Norway, where he continues to crunch numbers for DataQuick.

The June figures include a record median for single-family resale homes of \$555,000, up \$5,000 from May and up \$35,000 from a year ago. But the condo resale median declined \$2,250 from May's record \$397,250 to \$395,000.

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TUESDAY
July 19, 2005



THE SAN DIEGO
UNION-TRIBUNE

Meanwhile, the new-housing category, which includes condo conversions, rose from \$443,500 in May to \$458,750 last month but still remained well below the \$530,000 record set in November. Real estate experts have attributed this trend to the growing sales of lower-priced condo conversions that offset high-priced, newly built single-family homes.

The median represents the halfway point of all sales, with half above and half below that figure. Individual property appreciation fluctuates with size, age, location and other factors, and various neighborhoods varied widely from the norm in June.

For example, Encinitas saw a 20.5 percent year-over-year increase to a median price of \$910,000 on 51 sales of single-family resale homes, while the 92127 ZIP code of western Rancho Bernardo was down 11.9 percent over the same period to \$695,000 on 51 sales.

The pace of sales also continued slowing with June's 5,663 transactions representing an 8.8 percent decline from a year earlier. It was the 12th month in a row of a year-over-year decline. On the other hand, the June figure was the highest since June 2004's sales count of 6,208. June and August are traditionally the busiest sales months of the year.

For all of Southern California, DataQuick said the median price increased 14.5 percent from a year earlier to \$465,000, with San Bernardino County having the biggest increase, 30.9 percent to \$322,000, and San Diego the smallest.

Orange County was up 11.7 percent to \$603,000, and Riverside rose 23.2 percent to \$393,000. Los Angeles County, which has lagged the rest of the region in recent years, saw a 14.7 percent increase to \$475,000.

The San Diego Association of Realtors also weighed in with a separate set of local figures, reporting a median of \$522,000, up 6.1 percent from June 2004. The average days on the market stood at 45 last month, double the 22 days of a year ago, and the number of listings has soared to 12,605 as of yesterday, compared with an average of 5,995 last July.

Various agents explained the slowdown of sales and upsurge in listings as a sign that sellers want to cash in on their built-up equity of the last seven years, while buyers are mulling their options and taking time to decide what they will buy.

Alan Gin, an economist at the University of San Diego, said the numbers confirm his belief that the local market is slowing but not "tanking" or facing a bursting bubble.

"To get a big drop or a crash in housing prices, you need what I call a triggering event," Gin said.

In the early 1990s, several such events took place, he said, including a recessionary economy, overbuilding and relatively high mortgage rates. The only gloom in today's market is high gas prices.

"For every 10 cents that the price of a gallon of gas goes up, that takes \$7 million a month out of the local economy," Gin said — a mere trifle in an gross regional economy exceeding \$100 billion a year.

Gin said he understands that condo conversions may be flooding the market, but he said he doesn't think that oversupply will prompt a major readjustment of prices in general.

For the first six months of the year, there were only five ZIP code areas whose median prices for single-family resale houses were lower than in the first half of 2004.

Solana Beach and the 92029 ZIP code in western Escondido were the only urban areas on that short list, and their decline was minimal.

Noah Cutter of Distinctive Properties Re/Max Associates said the western Escondido area's wide variety of home types may explain the lack of continued high appreciation.

"I would say Escondido's reputation has gotten better, especially on the west side of Interstate 15, because houses tend to be rural," he said.

Some neighborhoods continue to register double-digit percentage increases, with Descanso in East County reporting the highest — up 29.3 percent to \$485,000 on 17 sales this year.

Mark Lister, a Mission Hills agent with Prudential California, representing a seller in Descanso for the first time, said interest has been moderate and produced no offers in nearly three months. He guessed that potential buyers are reticent about the long commute to work.

But John Elliott of Descanso Realty said the area appeals to many people, but many are land on which to build a dream home. Such properties are scarce.

Upon Closer Review: Privatizing City Government

By ANDREW DONOHUE
Voice Political Writer
Friday, July 15, 2005

The push to open city services up to bidding from the private sector stands at the center of discussion in a mayor's race this election, nudged to the middle by the city's pension crisis.

A number of the more conservative candidates hang a healthy portion of their fiscal reform plans for the future of San Diego on the concept -- one that currently isn't even permitted by a prevailing interpretation of the City Charter.

So that likely means it's right back to the ballot box if one of them is elected either July 26 or in a runoff Nov. 8 if no candidate wins a majority. A charter amendment will most likely be necessary to allow city services to be bid on by private companies.

But the functionality, not just the legality of competitive bidding, is also an obstacle. For all the attention the option receives on the campaign trail from the anti-tax activist Richard Rider, two of the business owner candidates -- Steve Francis and Myke Shelby -- and to a lesser degree former police chief Jerry Sanders, resounding questions remain surrounding its efficacy and greater social implications.

"The fallacy is that there is an enduring myth in this country that anything that the government does is inefficient and anything that the private sector does is efficient," said Dipak Gupta, a political scientist at San Diego State University who studied public administration for 25 years.

"There is no data, no study that shows that to be the case," he added.

Still, four of the major candidates believe that competitive bidding holds a strong enough promise to be a key factor in the city's financial recovery.

The pension scandal that has gripped the city -- and in no small part caused the resignation of Mayor Dick Murphy -- fuels the debate, as San Diego grapples with the question of whether or not their municipal workers are over compensated.

Shelby's privatization plan would shave 3,000 of the city's estimated 11,000 jobs from the scrolls. Competitive bidding, a process in which city departments would compete against the private sector for contracts, is the foundation of Rider's plan. He claims he can knock an estimated 8,000 jobs out of City Hall if need be.

Sanders has said that competitive bidding is not a "panacea," but can be applied as one tool to exact fiscal reform in City Hall.

Likewise, Francis employs competitive bidding -- as well as outright downsizing -- as part of his pledge to trim the city workforce by between 8 percent and 10 percent.

"With fewer employees, government is going to change the actuarial assumptions, which is also going to reduce that pension obligation," Francis said.

This hope is false, say two people intimately familiar with the pension system. Pension board member Bill Sheffler, an actuary, and April Boling, former chairwoman of the Pension Reform Committee, said that the stated unfunded pension liability -- which is at least \$1.37 billion -- is calculated only on work already completed.

"Laying people off will not affect that," Sheffler said.

Such a cut would reduce labor costs and, in effect, pension costs at some point down the road, but wouldn't have an impact on the immediate multibillion deficit that bogs down the city budget.

What supporters also say it will do is force competition. And competition, they say, will bring about leaner operations -- whether that contract goes to the private sector or to a city department that has trimmed operations.

The idea has caught great steam at a time when employee compensation is being blamed for the city's problems. Labor costs account for 78 percent of the city's general fund budget, which covers day-to-day expenses, and the candidates believe that a business model of competition and free market forces will be at least part of the reform equation in city government.

Indeed, the city has its own program in three departments in which it solicits bids from the private sector and mandates that its department meet the private sector bid. City officials say the program has saved \$77 million since 1998 in the Metropolitan Wastewater Department alone, in part by eliminating positions.

But the city isn't used much as a model of how things are done right nowadays on the campaign trail; candidates often cite work done at the county as a model for the competitive bidding and privatization processes.

Walt Ekard, the county's chief administrative officer, said the county has reaped many benefits over the years, in either privatizing services or putting them out to bid to the private sector. In many cases, he said, county departments have shed staff in order to win contracts.

There are many ways in which a government can't be run like a business, he said, because of the necessity of openness, the use of public money and the existence of taxpayers as the customer.

"But operating on a business model and adjusting that business model to accomplish good government can be done," Ekard said.

Savings on the front end of competitive bidding  lead to lower wages and further stress on the middle class, some say.

"Basically, it's a mix here. You could probably get the services done a bit cheaper if you do put it out in a competitive bid, but it does put more downward pressure on wages locally," said Alan Gin, an economic professor at the University of San Diego who studies the local economy.

San Diego risks creating an economy of low-wage jobs, he said, illustrated by the fact that 70 percent of the jobs created in 2004 in the region are considered low-paying.

"Government is one area where benefits are good. Because of the good wages and good benefits, a lot of people then move up into the middle class," Gin said.

Those good benefits are very much the issue in this race, as the pension system deficit stands at the center of the city's raft of problems today. For nearly a decade, the pension board allowed the city to pay less than annually required into the pension system as the city continued to grant benefit increases.

The results have threatened the city's financial stability and attracted investigators from the Securities and Exchange Commission, FBI, U.S. Attorney's Office and District Attorney's Office. The total cost of employee benefits has doubled in the last six years, according to pension figures.

Every candidate has a plan that involves some legal challenge to the benefit increases negotiated in 1996 and 2002. In varying degrees, four other candidates attach themselves to the competitive bidding idea.

But Ekard warned that it isn't the entire solution.

The Race for Mayor: A Look at Jim Bell

By EVAN McLAUGHLIN
Voice Staff Writer
Friday, July 8, 2005

He may not look the part -- judging from his easygoing demeanor, scruffy beard and relaxed digs in the heart of San Diego's laid-back Ocean Beach neighborhood -- but mayoral candidate Jim Bell's line of work is efficiency, a quality he thinks is sorely lacking in San Diego.

Bell, 62, makes efficient use of his mural-splashed, one-story space on Voltaire Street, where he eats, sleeps and works. He promotes his book, "Creating a Sustainable Economy and Future on Our Planet," through the free media afforded to him because of his candidacy, and he saves money by growing and making almost all of the food he eats.

He believes San Diegans are pining for a long-term plan in addition to the city's immediate fiscal woes when they elect their next mayor. Bell contends that his plan to make the region self-sustaining, while not the urgent matter on the minds of city voters, will help the local economy over the long haul.

"The first question on these candidate questionnaires the different groups send out is 'why should the residents of San Diego vote for you?'" said Bell, who has run for mayor three times prior, most notably in last spring's primary, when he won 6.7 percent of the vote. "And the answer is 'peak oil.'"

The environmentalist Bell believes the economic effect of peak oil -- the point in time where oil production will be at its absolute highest, only to decline thereafter -- should be enough of an indicator for people to embrace the benefits of energy efficiency and sustainability. Crude oil prices are currently hovering around \$60 per barrel, up from about \$40 a year ago, and price increases are normally seen as a negative economic indicator.

Bell said that the region has an opportunity to boost its economy and environmental health, pointing to a San Diego Association of Governments report estimating that consumers spend \$20 billion outside of the region annually to pay for more than 90 percent of the area's energy, water and food.

Improving the efficiency of the region's existing utility infrastructure and integrating renewable energy sources, such as wind and sunlight into everyday use, would allow the region to scale back its reliance on imported resources, he said.

Alan Gin, an economist at the University of San Diego who compiles the monthly Index of Economic Indicators for the county, helped Bell with his energy sustainability project a few years ago. Gin said he was impressed with the thought put into the study, although the economist found a flaw in how individuals' energy savings would help fund the construction of the new infrastructure.

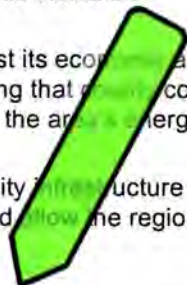
"His numbers are interesting," Gin said. "The big problem I had in terms of his analysis is how the savings would be captured, which is a big part of the plan."

Bell said that by spending less money on importing energy, food and water from out of the area, the area's economy would flourish over time, leading to a higher employment rate that results in less crime and more sales tax dollars for the city, Bell said.

"For every dollar spent locally, it generates another dollar," Bell said.



Photo credit: Jessica L. Horton
Mayoral candidate Jim Bell at his home in Ocean Beach.



Can a Leader Be Out of Integrity?

By KENNETH MAJER
Voice Guest Columnist
Saturday, July 9, 2005

Working with business leaders throughout the country to develop shared values and create values-driven corporate cultures, I frequently find myself in discussions about *integrity*. The concept of integrity can have a profound impact on how a company operates. Because it is a corporate value that is top-of-mind, it merits deeper discussion.



Integrity can be defined as *doing what you say you are going to do*. This is a common and generally acceptable definition and that is where our discussions begin. Then I ask this question: "In your business experience has anyone ever been 'out of integrity' with you?"

Many business leaders are quick to answer -- sometimes with looks of remorse, frustration, or with a slight shaking of heads. Examples are plentiful about people who did not deliver on time, others who were late or missed meetings, or worse, business partners who do not pay on time or perform as promised.

My follow-up question has more impact: "How did you *feel* about that person, and what *action* did you take as a result?" The answers are predictable:

- " "I can't count on him."
- " "After a couple of times, you can't trust them anymore."
- " "He's unreliable."
- " "I was really ticked off because it caused me bigger problems down the line."
- " "I no longer believe anything she says."
- " "I stopped doing business with that company."

When someone is out of integrity with you, he or she does not do what is promised. The results are not pretty. Business people who are out of integrity fall out of favor with their customers, suppliers, vendors and with their colleagues. It has the opposite effect from what you want: synergistic, trusted alliances among business people you can count on.

My first point is simple. There are negative external consequences to being out of integrity with others. What I mean by external consequences is this: If you do not do what you say you are going to do, people will not trust you; they will see you as unreliable, and they will not want to continue doing business with you.

While negative external consequences are bad enough, from a leadership point of view the negative internal consequences are worse. After discussing the external consequences that befall people who are out of integrity, I ask another more penetrating question: "Have you ever been out of integrity with someone with whom you do business?" This question causes some squirming until brave souls come up with examples of a time when they did not do what they said they would do. Now it gets interesting.

We focus the discussion around what external consequences could result. The same answers apply: "People won't trust me," "Others will think I am unreliable" and "People may not want to do business with me."

Right. Now the serious questions: "How did it make you feel when you thought people were considering you to be untrustworthy, unreliable or they stopped wanting to do business with you?"

It does not take long for business leaders to understand that the more damaging consequences of being out of integrity are the negative impacts on self-esteem. When people begin to have negative self-talk, their ability to perform at their best is diminished. Decision making is replaced by second-guessing. Others sense a lack of confidence in leaders who are plagued by negative self-talk and poor self-esteem.

My second point is this: You can't be an effective leader if you are out of sync with your own values. The example of integrity is just one of many. Being out of sync with any of your core values, or the shared values of your organization, will diminish your ability to be a truly effective leader.

Leadership in business is more critical today than it has been in any other time. There are many examples of business leaders who are suffering external consequences from having lost their sense of values. Witness John Rigas, Frank Quattrone, Martha Stewart, Dennis Kozlowski, Mark Swartz, Bernard Ebbers, et al. The list is already legendary. Jail terms for fraud and other missteps, ranging from a few months to 85 years, are the direct result of illegal acts that are out of sync with the shared values of their fellow Americans.

As bad as these jail term consequences are, consider what it must be like to be a pariah in the very community in which you were once revered. What happens to a person's self-esteem and ability to lead others when his or her moral fabric has been torn beyond repair?

This is the concern of values-based leaders. This is my concern. My good fortune is the opportunity to work with leaders who are driven by a sense of the right thing to do. Leaders inspire others to follow. Values-based leaders inspire others based on a shared set of values that are intrinsically rewarding. Values-driven companies have employees that are aligned, happier at work, more productive and have higher retention rates. These are some of the reasons that values-driven companies outperform the competition.

Defining core values for your business is more than having nice words to talk about. Core values define your corporate culture, and the culture clarifies the way people do things at work. Values, therefore, are an extension of who you are, what you stand for and how everyone behaves in your company.

To be a leader in a values-driven company requires being a model for each of the company's core values. If integrity is one of your company's core values, you cannot be out of integrity and still be an effective leader.

Kenneth Majer, PhD, is the author of "Values-Based Leadership" and his newest book, "Values in Action!" He is a speaker and consultant on corporate culture and alignment. He is also a Chair of TEC International, a member organization of CEOs and business leaders, and an advisor to the Business School at the University of San Diego.

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July 05, 2005 08:00 AM US Eastern Timezone

Temecula Valley Bancorp Appoints Michael Curran as Senior Vice President, Chief Risk Officer


TEMECULA, Calif.--(BUSINESS WIRE)--July 5, 2005--Temecula Valley Bancorp (OTCBB:TMCV) announced the appointment of Michael J. Curran as Senior Vice president, Chief Risk Officer. Mr. Curran will head the bank's risk management group and have overall responsibility for maintaining Temecula Valley Bank's Risk management program. He and his team will work with all business units of the bank to ensure regulatory requirements are incorporated into policies and procedures. Mike will provide regulatory guidance to bank personnel and act a liaison with state and federal regulators.

Mr. Curran holds a bachelor degree in business administration from University of San Diego and brings over 20 years of expertise to the bank. Prior to joining Temecula Valley Bank, Mr. Curran served as a Financial Institution Manager with the California Department of Financial Institutions for 18 years.

Temecula Valley Bank was established in 1996 and operates full service offices in Temecula, Murrieta, Fallbrook, Escondido, Rancho Bernardo and El Cajon. Temecula Valley Bancorp was established in June 2002 and operates as a one-bank holding company for Temecula Valley Bank. As a Preferred Lender (PLP) since 1998, the locally owned and operated bank also has SBA loan production offices in California, Washington, Colorado, Illinois, New Jersey, Ohio, Florida, Georgia, North Carolina. The Bancorp's common stock is traded over the counter with the stock symbol TMCV.OB and the bank's Internet website can be reached at www.temvalbank.com.

Contacts

Temecula Valley Bank
Stephen H. Wacknitz, 951-694-9940

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July 30, 2005

SECTION: EXPANDED REPORTING; Pg. 158

LENGTH: 278 words

HEADLINE: WELCH ALLYN;
Cindy Kuiper, Whitney Bouma receive marketing awards of excellence

BODY:

Welch Allyn, a manufacturer of frontline medical products and solutions, recently named Cindy Kuiper and Whitney Bouma winners of the Welch Allyn Marketing Award of Excellence, given each year to the company's top marketing professionals. The announcement was made at the Welch Allyn national sales meeting in Key Biscayne, Florida.

Kuiper, senior product manager of physical assessment products, was given the distinction following the successful development and launch of the MacroView Otoscope, an important innovation in Welch Allyn's traditionally strong line of eye, ear, nose, and throat products that allows physicians to see wider views of the ear. In addition to the MacroView launch, Kuiper also directed strong growth in her regular capacity as manager of the student & physical assessment business.

Bouma, senior product manager of thermometry products, received the award as a result of her efforts in launching the Welch Allyn SureTemp Plus, a fast and accurate handheld clinical thermometer, to market. The SureTemp Plus helped bolster Welch Allyn's line of electronic vital signs instruments with impressive sales figures through the first year of its release.

Kuiper has been with Welch Allyn since 1997, and received a bachelor's degree in advertising from Syracuse University. Bouma has worked at Welch Allyn since 1999. She is a graduate of the University of San Diego with an MA and BA in business administration and a BA in communication studies.

This article was prepared by Healthcare Mergers, Acquisitions & Ventures Week editors from staff and other reports. Copyright 2005, Healthcare Mergers, Acquisitions & Ventures Week via IncRx.com.

LOAD-DATE: July 22, 2005

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TIMES (ESCONDIDO
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RE/MAX Associates welcomes new agents

Zaid Iniguez

Carmel Valley resident Zaid Iniguez has joined RE/MAX Associates' Encinitas office, 1509 Encinitas Blvd., as a real estate sales agent, announced Dale Ostertag, office manager.

A San Diego native, Iniguez, who speaks Spanish, started selling real estate in March 2004. She specializes in North County coastal residential properties.

Prior to real estate, she traveled throughout Latin America selling medical diagnostic kits for a medical supply company. She graduated from Mira Mesa High School (class of 1986), and from the University of San Diego with a bachelor's degree in international business.

Sarah Goncalves

La Costa resident Sarah Goncalves has joined RE/MAX Associates' Encinitas office, 1509 Encinitas Blvd., as a real estate sales agent, announced Dale Ostertag, office manager.

A native San Diegan, Goncalves graduated from Academy of Our Lady of Peace High School and the University of San Diego with a bachelor's degree in business

administration.

At age 19, she purchased her first investment property with the help of a RE/MAX sales professional. She has also worked in hotel management and telecommunications. In her spare time, she enjoys running, biking, water skiing and snowboarding.

Christy Rochelle

Rancho Penasquitos resident Christy Rochelle, with 16 years of real estate experience, has joined RE/MAX Associates' Rancho Penasquitos office, located in the Torrey Highlands area at 13350 Camino del Sur, San Diego, announced Ken Davis, office manager.

Rochelle, an Escondido native and graduate of San Pasqual High School, specializes in residential properties along the I-15 corridor. She not only represents buyers and sellers but also will fix up properties with minor repairs in her spare time.

A former competitive swimmer, Rochelle has completed two marathons and enjoys skiing at Big Bear, where she has a family cabin. The mother of three graduated from San Diego State University with a degree in accounting.

COMMERCIAL PROPERTY NEWS

NEW YORK, NY

24-TIMES/YEAR

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JUL 2005

Building Basics

By Natalie Dolce

The following are some of the top real estate programs at colleges and universities throughout the United States.

University of San Diego

School of Business Administration

Burnham-Moores Center for Real Estate

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www.usdrealstate.com

The University of San Diego's Burnham-Moores Center for Real Estate offers a Masters of Science in real estate and a bachelor's degree in business administration with an emphasis in real estate. Three real estate classes are offered for that emphasis. The master's program is a separate degree, but can also be a joint degree with an MBA. The program is multidisciplinary and is full time for one year. To become part of the average 25-to-30-student enrollment, two years' work experience is required, as well as a 3.0 grade-point average and a 550 GMAT score.

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Sidebar: Dual-Degree Programs

JULY 18, 2005

(COMPUTERWORLD) - Here's a sampling of institutions that offer dual degrees combining MBAs with IT-related master's degrees.

- **Loyola University Chicago** • Requires 23 to 27 courses vs. 26 to 30 if pursuing separately.
- **University of San Diego** • Requires 63 units, or 21 courses.
- **The Creighton University College of Business Administration** • Requires 48 credit hours (excluding foundation courses) vs. 66 if pursuing separately.
- **University of Maryland University College at Adelphi** • Requirements vary; as an example, the MBA/MS in technology management requires 60 credits.
- **University of Delaware** • Requires 60 credits.
- **The University of Michigan Business School and the School of Information** • Requires six enrolled terms to complete.
- **The Joseph M. Katz Graduate School of Business at the University of Pittsburgh** • Requires 20 months to complete.

ORACLE BUSINESS INTEGRATION

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theme but sarongs were. Guests wrapped up in beautiful cloths mingled with each other amidst colorfully fringed umbrellas, and tables laden with hand-carved masks and a Balinese feast.

Among those going to "Bali" for the night were Melinda Merryweather, Melissa and Scott Murfey, Chip Murphy, Steve and Sandy Worcester, Marilyn Wise, Nancy and Michael Ullman (Michael runs the La Valencia Hotel) Bobbe Stern, Bill Thompson, attorney Susanne Stanford and her fiancé Bob Schroeder, Edwina and Mark Thoeny, and Purple Heart winner Scott Johnston. Also there were Sally and Dan Irwin, Deanna and Doug Spurr, Karen and Kit Sickels, Holly and Bob Robinson, Patty and Dick Russell, and the mighty Murphy girls, Kathryn's daughters' Erinn, Meghan and Kaitlin. Mary and Fred Smith, were also there, almost all day in fact. Mary did the magnificent floral bouquets of exotic and colorful blooms.

Others enjoying the Balinese feast and fun were Jeanette Amen, Pam and Steve Avoyer, Scottie and Steven Brown, John Bucher, Sarah and David Burton, Nora and Philip Feune de Colombi, Gail Forbes, Kent Freundt, Anne and John Gilchrist, artist Lisa Hill with her husband Robby, Jan and Dave Irwin, Kris Jeffery, Susan and Craig McClellan, Laura McDonald and Chris Wyer, Lori Ireland with Margo Mosier, Debbie and Chris Neils, Kris and Peter Platt and Margo Rogers.

Make sure to check out www.dmtc.com for all of the ~~race track~~ and music events scheduled for this summer.

Margo Schwab, an alumna of the University of San Diego's graduate business school, reports on social/charity events, celebrities, restaurants and from time to time breaking scoops. You can read more at her Web site, www.margomargo.com.

Get the latest news and opinions delivered to your Inbox every day. Sign up for our free e-mail newsletter.

Institute for Peace & Justice

Iraqis are worse off now, resident says

By **Sandi Dolbee**
RELIGION & ETHICS EDITOR

Naba Saleem Hamid says she has come to the United States to tell people what life is like in Iraq.

Her answer: "It's hell."

Lack of water. No electricity. Bombings. Kidnappings. Pollution. Disease. Unemployment. Desperation.

"It was a difficult life before because we had a cruel regime," she said. But now, she added, it is "much, much worse."

Hamid, a biology professor in the College of Education at the University of Baghdad and founder of an organization that trains Iraqi women to become politically active, arrived in the U.S. last month for a national speaking tour on behalf of several peace-advocacy groups.

Friday night, she spoke to about 150 people at the Joan B.

Kroc Institute for Peace and Justice, a talk that was co-sponsored by Voices of Women, a local organization that advocates non-military solutions to global conflicts.

Her audience listened quietly, sympathetically to her description of the chaos and devastation since the U.S.-led invasion of her country in 2003. She decried media and other reports about how conditions are improving there. "This is not the truth," she said.

She does not try to hide her frustration at the war or sugarcoat her stands. Nor does she try to downplay Saddam Hussein's brutal dictatorship. But even that admission doesn't fare well for this country ("Every Iraqi knows Saddam Hussein was created by America," she said). She argues that

SEE **Iraq, E4**



Iraqi professor and women's advocate Naba Saleem Hamid offered grim depictions of post-invasion Baghdad during her San Diego visit. *Nadia Borowski Scott / Union-Tribune*

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Objector tells his war story

By Seth Hettena

Associated Press

SAN DIEGO — Aidan Delgado says he once saw an Army master sergeant lash Iraqi children with a Humvee antenna. He says he watched a Marine send a youngster flying with a boot to the chest. And he says men in his unit hurled bottles at Iraqi civilians from a military vehicle.

Since he left the U.S. military in January as a conscientious objector, the former

Behind the headlines

Army specialist has traveled the country, giving audiences a disturbing account of routine brutality he claims he saw during his year in Iraq.

His grisly roadshow has triggered two military investigations. It has also drawn a legion of critics who scrutinize his accounts for inconsistencies, suggest he is a liar and dismiss him as a darling of the far left. Some criticize him for waiting until he came home to report incidents.

"The time and place to have made these claims was while he was a soldier wearing a uniform over there," said Steve Stromvall, a spokesman for the U.S. Army Reserves.

Images of war

Wearing a black T-shirt with the word "Peace" in English, Hebrew and Arabic, Delgado punctuated a recent talk to about 50 people with slides of gruesome war images. One picture showed a bullet-shattered corpse in a partially open body bag.

"The point of showing this is not to shock you," Delgado, 23, told his audience at the University of San Diego's Joan B. Kroc Institute for Peace and Justice. "We don't have a really good sense of Iraqi civilians as human beings. It's not part of the news coverage."

Some of the pictures were taken by Delgado, whose tour of duty included six months at Abu Ghraib prison, where abuse of prisoners has already led to criminal charges and international outrage. Other shots were provided by fellow soldiers.

The 81st Regional Readiness Command in Birmingham, Ala., which oversees Delgado's former unit in Florida, said it has launched an investigation into his claims. So has the Army Criminal Investigation Command in Fort Belvoir, Va.

Delgado said he has given a statement to an Army criminal investigator, who took copies of some of the grisly photos from his slideshow.

Emiliano Toro, a former sergeant who was Delgado's supervisor in Iraq, said he was aware of the alleged incidents involving the children struck with the antenna and civilians hit with soda bottles.

"I did see these things or I did hear about them," he said.

Delgado said he did not file an official complaint with his commanders about what he saw because he felt they were part of the problem and because he feared retribution.

"I don't want to ruin people's lives over something they did in a horrible, stressful situation," he said. "I do want people to know this is a part of war."

Sept. 11 recruit

The son of a U.S. diplomat, Delgado grew up in Thailand, Senegal and Egypt, where he learned to speak Arabic. He was a 19-year-old college student in Florida when he enlisted in the Army Reserves. He signed his service contract on the morning of the Sept. 11 terrorist attacks.

He became a Buddhist before the Army activated his unit and sent him and 140 others in the 320th Military Police Company to Iraq in March 2003. Three months after arriving, he decided to turn in his weapon.

Back home in Sarasota, Fla., he resumed religious studies at New College of Florida. He has given free talks to audiences at high schools, college campuses and churches from Florida to California.

Delgado has aligned himself with the peace movement but has not joined the call for an immediate withdrawal of U.S. troops. He said occupation is better than allowing Iraq to slip into anarchy and even more bloodshed.

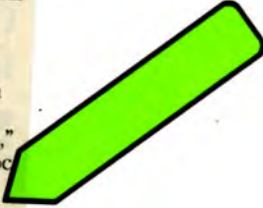
The San Diego Union-Tribune • Saturday, July 2, 2005

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San Diego

Datebook

Voices of Women will present Naba Saleem Hamid to speak on "The Future for Women in the Political Process in the New Iraq," 7 to 8:30 p.m. Friday, Joan B. Kroc Institute for Peace & Justice Theater, University of San Diego. Hamid is the founder of Iraqi New Horizons for Women and a science professor in the College of Education at the University of Baghdad. Reservations are requested: (858) 642-6770, or send an e-mail to: rsvpcclarke@cox.net.



JUL 21 2005



La historia del mariachi

SAN DIEGO, CALIFORNIA.- Dentro del Ciclo de Conferencias "Los rostros de México", el profesor e investigador Álvaro Ochoa Serrano dictará la conferencia "La historia del mariachi", en la Universidad de San Diego, el jueves 21 de julio a las 18:30 horas. El Ciclo de Conferencias es organizado por el Consulado General de México en San Diego y El Instituto Cultural Mexicano.

Alvaro Ochoa, ha dedicado la mayor parte de sus investigaciones a la historia y a las tradiciones culturales del Bajío, es autor de varios libros y artículos y actualmente se encuentra realizando el proyecto "Personajes y Tradicio-

nes Populares del Occidente Mexicano" en el Centro de Estudios de las Tradiciones del Colegio de Michoacán. Entre sus publicaciones se encuentran El mariachi resuena: tradición e identidad del occidente mexicano en California y el libro De Occidente es el Mariachi y de México...

En el Ciclo de Conferencias Los Rostros de México, organizado desde octubre del 2004 por el Consulado General de México en San Diego y el Instituto Cultural Mexicano, han participado destacados escritores e intelectuales mexicanos como Enrique Florescano, Federico Campbell, José María Muría, Carlos Monsiváis, Jorge

Bustamante, Gregorio Luke y German Dehesa. Ochoa Serrano en su conferencia La historia del Mariachi, abordará la historia de esta gran tradición que ha acompañado a todos los mexicanos en fiestas, bodas, serenatas y actos cívicos.

La presentación de Álvaro Ochoa: La historia del Mariachi, se llevará a cabo el próximo 21 de julio a las 18:30 horas, en el Joan B. Kroc Institute for Peace and Justice (5998 Alcalá Park, San Diego, CA) y tendrá un costo de \$20.00 dólares al público general y \$10 dólares a los profesores y estudiantes. Agradecemos su previa confirmación ya que el cupo limitado.

School of Law

AUG - 3 2005

San Diego couple donates \$1.75 million to USD

Law Briefs

By Doug Sherwin

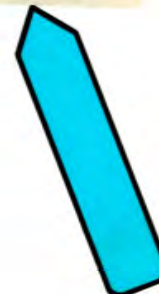
Susan S. and Jerry G. Gonick of San Diego gave the University of San Diego School of Law a pledge commitment of \$1.75 million to endow a chair in the field of elder law. In recognition of their leadership and generosity, the law school will name the chair the Susan S. and Jerry G. Gonick Chair in Elder Law.

Susan Gonick, who was awarded her juris doctor degree from USD in 1986, is a member of the law school's Board of Visitors. Jerry Gonick received his master of laws in taxation from USD in 1984.

"We are very grateful to Susan and Jerry Gonick for this generous planned gift and for Susan Gonick's valued service on the law school's Board of Visitors," said Interim Dean Kevin Cole. "This chair will help us attract and retain distinguished teachers and scholars in an area that is increasing in importance not only to law students but also to a growing yet underserved part of the community."

Susan Gonick recently retired from a successful career as a partner specializing in securities litigation with several prestigious firms, including **Heller, Ehrman, White and McAuliffe** and **Milberg Weiss Bershad Hynes & Lerach LLP**. Jerry Gonick, who holds multiple advanced degrees in law, engineering and business, has retired from the practice of law and is a consultant primarily to the plaintiffs' securities class action bar. He was a member of the original design and development team for the space shuttle at **IBM** (NYSE: IBM). Source Code: 20050802tja

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Local legal scholars weigh in on Bush pick

By DOUG SHERWIN
The Daily Transcript

SAN DIEGO — As expected, President Bush's nominee to the Supreme Court is very conservative, but John G. Roberts also boasts plenty of quality credentials, according to local legal analysts.

Opinions were divided shortly after Bush tapped Roberts to replace retiring justice Sandra Day O'Connor, a reputed centrist, on the nation's highest court.

"Some are saying (Roberts) doesn't have much of a record and that he's a stealth candidate," said Marjorie Cohn of the Thomas Jefferson School of Law. "But it's clear that with this nomination, Bush is paying back his right wing religious and corporate backers."

Cohn, who teaches criminal law and procedure along with international human rights, says Roberts' leanings are pretty clear.

"During his tenure in the Reagan and the first Bush administrations — and also in his short tenure on the U.S. Circuit Court of Appeals — he demonstrated an exceedingly restrictive view of federal law-making authority that could threaten the rights of workers, civil rights, public safety and environmental standards," she said. "And while he was at the



Source: Eric Draper/White House via Bloomberg News

President George W. Bush and Judge John G. Roberts enjoy an early morning coffee at the White House on Wednesday. The president named Judge Roberts as his nominee to the U.S. Supreme Court Tuesday night.

justice department, he helped craft legal policies that sought to weaken school desegregation, reproductive rights, environmental protections, church-state separation and the voting rights of African-Americans."

Michal Belknap, a constitutional law professor at California Western School of Law, points out that most of Roberts' statements were given as a lawyer defending a client and shouldn't necessarily be taken as his philosophy.

"People who are using them for

that purpose are misusing them," Belknap said. "He makes for a relatively small target for liberal opponents to shoot at."

"Certainly he is pretty conservative from what you can tell, but he seems to have absolutely outstanding legal qualifications and not much of a paper trail because he hasn't been a court of appeals judge for very long."

Roberts, who clerked for Chief Justice William

See **Bush pick** on 6A

Continued from Page 1A

Rehnquist, owns extensive legal experience. He's made nearly 39 oral arguments before the Supreme Court.

"I think Roberts is an excellent nominee," said University of San Diego School of Law professor Gail Heriot, a close follower of the Supreme Court. "I'll confess I'm plenty surprised by this nomination. A lot of people had come to assume Bush's choice would be driven by race or gender or would be his good friend Gonzalez. In the end he went to the person he thought was most qualified ... the constitutional law heavyweight."

Much of the controversy surrounding Roberts focuses on the brief he filed to the court as deputy solicitor general in the first Bush administration stating, "Roe was wrongly decided and should be overruled."

He later stepped back from that statement during the 2003 confirmation hearings for his current appellate court post, saying the landmark abortion decision *Roe v. Wade* was the settled law of the land.

"But he also refused to answer

other probing questions that would have uncovered an idealistic agenda," Cohn said. "It's just a question of how far the Democrats are willing to push it. He's very young (50) ... he could be on the court for 30 or more years, so this is a significant nomination."

Heriot said when Roberts filed his brief he was simply fulfilling his duty to defend the policy of the Bush administration.

"It was the policy of the Bush administration that *Roe v. Wade* was wrongly decided," she said. "He was representing a client, which happened to be the U.S. He was simply doing his job for counsel."

The differing opinions demonstrate how political the nomination process has become, noted San Diego County Bar Association President Wells B. Lyman.

"But the job ultimately is not political," he said. "The job ultimately is: Do you get along with your fellow justices, which is important; do you understand the role; and are you intellectually astute?"

"That's the reason why you

don't have to run for election; why you don't have to ask for election money."

Cohn, who is the executive vice president of the National Lawyers Guild, is suspicious of the timing of the announcement, which coincides with the mounting controversy surrounding Bush adviser Karl Rove's involvement in the CIA operative disclosure.

"I think the timing of the announcement of nomination was clearly an intent to distract attention from the criminal behavior of Karl Rove," she said. "The intention was to wait until late in August (to nominate a justice), but Bush and Rove know that the media has a short attention span. That if you change the subject, Rove is off the front page."

Most experts agreed that Roberts likely will be confirmed and only hoped that the nomination process unfolds civilly. The implications of a Roberts seat on the bench are difficult to predict now.

"I don't think it will be a profound effect," Heriot said.

doug.sherwin@sddt.com
Source Code: 20050720tbb

Return to Article

Published: Friday, July 29, 2005

Roberts: 'Constitutional law heavyweight,' say legal experts

By Paula Doyle

President George W. Bush's Supreme Court nominee, Judge John G. Roberts, possesses an exceptional legal mind, a sterling reputation among his professional peers and a sense of humor about himself that impresses local Catholic law school professors.

"His academic credentials are second to none," said David W. Burcham, Loyola Law School's Fritz B. Burns dean and professor of law. "Everyone seems to agree he has a brilliant legal mind." Harvard Law School graduate Judge Roberts, currently a federal appeals court judge for the District of Columbia, was principal deputy solicitor general in the U.S. Department of Justice in the early '90s.

While at the Justice Department, and, later, in private practice at the firm Hogan and Hartson, he argued cases before the Supreme Court dozens of times on behalf of his clients. Burcham said Roberts, a Republican who was a legal adviser for President Bush during the 2000 battle over Florida's disputed presidential election results, is "clearly conservative" but added, "We don't know where he stands on any particular hot button issues" like abortion.

Gerald McLaughlin, law professor and dean emeritus of Loyola Law School, agreed that Roberts' credentials are impressive and also notes the nominee's droll sense of humor. McLaughlin said Roberts' showed "wit and humility" when responding to a client's query of how they could have lost 9-0 on a Supreme Court case: "We lost 9-0," Roberts replied, "because there were only nine justices."

"I'm very pleased," said Gail Heriot, law professor at [University of San Diego](#). "Roberts is a constitutional law heavyweight. He has a strong record of someone who respects the law."

According to Heriot, opponents to Roberts' nomination wrongly base their arguments on his record as a legal advocate. "He's argued both sides of issues. It's inappropriate to condemn Roberts for a stance he's taken on behalf of clients," said Heriot.

Assistant professor of political science at Mount Saint Mary's College, Helen Boutrous, who shares a common background with Roberts as a former Washington, D.C. attorney working on federal government cases, called the Supreme Court nominee an "excellent oral advocate." Boutrous has observed Roberts in action arguing cases before the Supreme Court and characterizes him as "concise, careful and clear," adding that Roberts has wide-spread respect among Washington D.C.'s legal community.

As far as how Roberts, a Catholic, would affect future Supreme Court rulings, Boutrous cautioned against foregone conclusions. "Religious affiliation does not mean you can predict how a justice will vote," said Boutrous. As a case in point, Catholic Supreme Court Justice Anthony Kennedy changed his mind mid-stream and voted with the majority in 1992 not to overturn the 1973 Roe vs. Wade decision legalizing abortion.

Boutrous said it remains to be seen the extent to which Roberts would differ from retiring Justice Sandra Day O'Connor if his nomination is confirmed. Boutrous noted one of the very first cases the Supreme Court will consider when it resumes in the fall deals with the controversial issue of physician-assisted suicide (Gonzales vs. Oregon 04-623).

The underlying question of Gonzales vs. Oregon, said Boutrous, is whether states can legislate physician-assisted suicide. The Supreme Court will rule on the argument that the 1971 Controlled Substances Act provides the Justice Department the authority to preempt Oregon's Death with Dignity physician-assisted suicide law that went into effect in 1997. Boutrous characterized O'Connor as "very state rights-oriented" in contrast to Roberts "who doesn't have the same ties to states like O'Connor."

Boutrous said she is looking forward to the upcoming confirmation hearings. "I'm happy to have my students see democracy in action," said Boutrous. She said the hearings will stimulate discussion about issues of judicial philosophy, such as the role of the state vs. the role of the federal government.

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States News Service

July 10, 2005 Sunday

LENGTH: 423 words**HEADLINE:** TOP LEGAL ETHICISTS CONCUR: ASKING QUESTIONS OF JUDICIAL NOMINEES ON THEIR VIEWS PERFECTLY ACCEPTABLE AT HEARINGS**BYLINE:** States News Service**DATELINE:** WASHINGTON**BODY:**

The following information was released by the Office of New York Senator Charles Schumer:

U.S. Senator Charles E. Schumer, ranking Democrat on the Senate Judiciary Subcommittee on the Courts, today released a letter from legal experts led by Professor Stephen Gillers of New York University Law School, which lays out the legal and ethical arguments for Senators to ask legitimate questions about a judicial nominee's views. According to the letter signed by Prof. Gillers and eleven other renowned legal ethics experts from around the country, a judicial nominee, Supreme Court or otherwise, would not create an ethical or legal problem by answering questions on their views posed by Senators at a confirmation hearing.

Schumer said, "Some have said we shouldn't ask nominees about their views because it would be unethical or would badger judges into prejudging future cases. To prove that argument is nonsense, I am releasing a letter from 12 of the most respected experts on judicial ethics in the country, including Professor Stephen Gillers, the renowned legal ethicist from NYU Law School.

"These professors have authored a scholarly letter confirming that questions about a nominee's views are perfectly okay. You can ask about their views of constitutional issues and decided cases. There is absolutely no ethical problem in doing so - contrary to what some have suggested," Schumer stated.

The letter states: "It is hardly possible that a person could achieve nomination for appointment to the United States Supreme Court and yet have no opinions about the significant constitutional issues and cases of our day. And the fact that the nominee does have such opinions and voices them will not undermine impartiality or the appearance of impartiality such that he or she would be disqualified when those issues or cases come before the Court."

Signers include professors from all over the country:

Stephen Gillers, New York University Law School, James Alfini, South Texas College of Law, Nathan M. Crystal, University of South Carolina School of Law, Lisa G. Lerman, Columbus School of Law, David Luban, Georgetown University Law Center, Steven Lubet, Northwestern University School of Law, James E. Moliterno, William and Mary Law School, Frederick C. Moss, Southern Methodist University, Robert P. Schuwerk, University of Houston Law Center, Charles Silver, University of Texas School of Law, Ray Solomon, Dean, Rutgers University School of Law - Camden, and Fred Zacharias, University of San Diego Law School.

LOAD-DATE: July 16, 2005

WEDNESDAY
July 20, 2005



THE SAN DIEGO
UNION-TRIBUNE

Jury's quick decision surprised many

By Kelly Thornton
STAFF WRITER

The Monday-morning quarterbacks of the legal world were dissecting the City Hall corruption trial yesterday, second-guessing decisions not to put the councilmen on the stand and marveling at the warp speed of jury verdicts.

Peers of widely respected trial attorneys Michael Pancer and Jerry Coughlan refused to publicly criticize the strategies used to defend Councilmen Ralph Inzunza and Michael Zucchet, particularly from the comfortable perspective of hindsight.

Still, many members of the legal community said they were surprised by the guilty verdicts, and were busy yesterday trading insights and opinions on what went wrong, what tactics might have made a difference and what might be possible grounds for appeal and a motion for a new trial.

"Everybody's talking about it," said Ezeziel Cortez, a defense attorney who counts himself among the many admirers of Coughlan and Pancer.

Pancer himself, looking shell-shocked after the verdicts were announced, told report-

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► TRIAL

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ers that he would have done "everything different" based on the outcome of the case.

Perhaps the defense focused too much on discrediting strip club owner Michael Galardi and his sensational allegations that he gave the councilmen cash bribes, some speculated. The defense misread the strength of the government's case and should have put their articulate, clean-cut clients on the stand, others said. Maybe they rushed their four-day defense compared to the government's 22 days. Or, they might have put too much emphasis on expert testimony and neglected the recordings.

The councilmen were convicted Monday along with Las Vegas lobbyist Lance Malone on multiple counts of extortion, wire fraud conspiracy and wire fraud. They were accused of trading money for efforts to repeal the law banning touching between strippers and club patrons. Strip club owner Michael Galardi pleaded guilty and testified against the others.

Before the Nov. 9 sentencing, the defense will request a new trial, and after sentencing

and Pancer have said. Those efforts will likely focus on defense contentions that a prosecutor, during his rebuttal argument, improperly commented on the councilmen's failure to testify.

While the defense efforts to reverse the decision get under way, Zucchet and Inzunza will be required to meet with court personnel, submit to interviews and discuss their backgrounds and facts of the case. The resulting report will be the basis for sentencing recommendations.

Some of the key matters of discussion among defense lawyers since the verdicts:

- Should the councilmen have taken the stand?

Yes, said several defense attorneys who reasoned that Inzunza and Zucchet could have swayed the jury by giving context to the recordings. Some said it must have been an excruciating decision, probably based on the defense's belief that the government's case wasn't particularly strong, making it unnecessary to subject them to potentially damaging cross-examination. Ultimately, it's the client's decision.

- What to make of the whirlwind verdicts?

Predictably, a lot of defense

attorneys said they were troubled that the jury didn't spend more time listening to conversations and carefully discussing complex matters over more time. Jurors said they had taken very careful notes over the two-month trial and they spent an adequate amount of time deciding the most difficult and central issue — whether there was a specific quid pro quo. After that, everything else was made simple.

Still, the speed of the verdicts — after about 16 hours of deliberation over four days — drew criticism.

Juries in complicated, high-profile cases tend to deliberate longer to insulate them from such criticism from the public, said Shaun Martin, a criminal law professor at the University of San Diego.

"I was somewhat surprised that in (this) case the jury was willing to get out of there fairly quickly and that it was confident both in the decision that it made and the public scrutiny a fairly quick decision would engender.

"That said, it was a long trial. Juries make up their mind in the middle of trial sometimes and the basic themes of this trial are not hard to comprehend and if it looked bad and it

smelled bad to the jury it doesn't take very long to come to that conclusion."

- Did the prosecution hoodwink the defense into focusing too much on Galardi and the supposed cash bribes?

From early in the case, defense attorneys seized on the idea that the government would allege the councilmen took cash. They filed several motions, trying to force the government to reveal evidence of cash, all the while insisting there never were any cash bribes offered or accepted.

Meanwhile, the government was coy, refusing to give the defense details. It wasn't until Galardi took the stand, midway through the trial, that the defense finally got its answer. Galardi said he gave the councilmen \$18,500 in cash through his bagman, lobbyist Lance Malone.

The defense attorneys spent a considerable amount of time and energy attacking Galardi on cross-examination, making it a central theme of the defense. They called two key witnesses to refute Galardi — Carlette Lewis, widow of Councilman Charles Lewis, and Assistant U.S. Attorney Eric Johnson, the original prosecutor on the Las Vegas case.

U.S. attorney's risky strategy pays off

By Kelly Thornton and Greg Moran
STAFF WRITERS

The guilty verdicts against two San Diego councilmen are likely to embolden U.S. Attorney Carol Lam, an aggressive risk-taker who staked her reputation on this case and other yet-to-be-resolved corruption investigations of corporate, city and congressional officials, some observers said yesterday.

At Lam's behest, grand juries are investigating Congressman Randy "Duke" Cunningham and city officials connected to the pension scandal. Another grand jury has indicted prominent San Diego political con-

sultant Larry Remer and a former community college president on corruption charges. And Lam herself is prosecuting Alvarado Hospital Medical Center executives on kick-back charges after the first trial ended in jury deadlock.

After the City Hall corruption case became public in 2003, Lam was criticized in legal and political circles as going on a political and moral witch hunt. During closing arguments of the trial, Councilman Ralph Inzunza's lawyer, Michael Pancer, indirectly attacked Lam by telling the jury the

SEE Lam, B4

► LAM

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Attorney says verdicts won't affect strategy

case was brought by "people in power" against the "people not in power."

For Lam, a lot was riding on this case.

"People did perceive this as a referendum on her leadership and so it was important for Carol Lam to win this case," said Shaun Martin, a criminal law professor at the University of

San Diego. "In the end it's a huge win for her because people had publicly attacked her neutrality and credibility and she has been vindicated by the neutral decision of 12 citizens."

Inzunza, Councilman Michael Zucchet and Las Vegas lobbyist Lance Malone were convicted Monday of multiple counts of extortion, wire fraud conspiracy and wire fraud. They were accused of trading money for efforts to repeal the law banning touching between strippers and customers.

Gaining convictions in such a prominent, high-profile and in some sense high-risk case can only help Lam, who has been U.S. Attorney here for nearly three years.

"This wasn't an easy case,"

said John Kirby, who was a federal prosecutor in San Diego for a decade before going into private practice recently.

"Carol Lam is seeking to make her mark in corruption cases. This can only make them more attractive to bring, especially since this was not a slam dunk case to begin with."

A loss would have been much more significant.

"A good result makes them have more confidence that they can bring these difficult cases, and prevail on them," Kirby said. "I think it might have had a cooling effect if there had been a different verdict."

Lam said yesterday that the verdicts will not make much of a difference on how she approaches corruption cases.

"I don't think this case has any impact one way or the other," she said. "We approach every case on its own merits."

Lawyers across the city said that the convictions likely will not dramatically change how Lam's office approaches public corruption investigations.

"What this really does is confirm an already emboldened, aggressive strategy," said defense lawyer Michael Attanasio, who previously prosecuted federal corruption cases. "Over the last two years, the office has set an aggressive course in white-collar investigations and obviously nothing that happened in this trial will change that."

Others agreed that except for a psychological boost to

Lam and her office, little would change as a result of the verdicts.

"This does not, in my estimation, reset the table," said Pat Hall, a leading white-collar defense lawyer in San Diego. "That office has taken an aggressive posture on white-collar crime, and they will continue to do so."

The results might have a bigger effect on those who are subjects of investigation by federal grand juries, including Congressman Randy "Duke" Cunningham and city officials involved in the various municipal finance scandals.

"The first thing that hit me in the gut when I heard the verdicts was, I would not want to be Duke Cunningham," said

Frank Bardsley, the former chief public defender for San Diego County. "It certainly sends a message about the potential jurors you might face in these kinds of case."

That message will likely resonate across the city, other lawyers said.

"The verdict sends a message to local-level politicians and employees who work with politicians that they should be extremely aboveboard in all their activities," said criminal defense lawyer Marc Carlos.

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Last modified Saturday, July 9, 2005 8:09 PM PDT

Grand jury to play key role in Duke's fate

By: MARK WALKER - Staff Writer

Congressman Randy "Duke" Cunningham's political and personal fate is now in the hands of a small group of people sitting together as members of a federal grand jury.

It will ultimately be that jury's decision ---- not the news media or Cunningham's ideological opponents ---- as to whether there is any reason to believe a crime may have been committed.

Those familiar with the grand jury process say it could be months before the 50th Congressional District Republican lawmaker knows whether those jurors, some if not all of whom he may represent in Congress, believe there is sufficient cause to seek a criminal indictment.

Believed to be at the heart of the jury's inquiry is whether any laws were broken in Cunningham's real estate transaction and other dealings with Washington, D.C., defense contractor Mitchell J. Wade and Wade's company, MZM Inc. Also at issue

are the congressman's apparent unauthorized use of the congressional seal on a commercial product sold through a company he owns, as well as his financial dealings and a boat sale with a New York developer.

Law professors and current and former U.S. attorneys agree that the dozens of boxes of documents seized this month through a subpoena by the jury will require weeks of cataloguing and analysis before a prosecutor is ready to present a case. In fact there is one to bring forward.

"In a politically sensitive matter like this, it could take an incredibly long time," said Shaun Martin, a professor of law at the University of San Diego and a former editor of the Harvard Law Review. "In any high-profile case like this, the U.S. attorney wants to leave no stone unturned and be extremely confident in the validity of their position."

Susan Brenner, a professor at the University of Dayton School of Law and author of a comprehensive book on the workings of grand juries, also predicted it will be months before the jury's work is done.

"They are going to dot every I and cross every T and take their time with this one," Brenner said.



U.S. Rep. Randy 'Duke' Cunningham, R-Escondido
File Photo

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S.D. police union sues city over pensions

Millions sought, and Aguirre ouster

By Ronald W. Powell
STAFF WRITER

Reflecting the discontent of San Diego police officers over a city-imposed contract and the threatened loss of pension benefits, the police union has filed a federal lawsuit demanding millions of dollars from the city in damages and the removal from office of City Attorney Michael Aguirre.

The lawsuit, filed yesterday in U.S. District Court, alleges that police union members were harmed by city officials who allowed the underfunding of the employees pension system and engaged in bad-faith negotiations during recent contract talks.

It accuses the city of breaking a promise to adequately fund a private supplemental savings program created in 1981 when city employees, excluding police and firefighters, voted to not participate in Social Security.

And it alleges that Aguirre attempted to bribe the police and other unions in January, then worked with city officials to impose a tough one-year contract on the officers when his offer was rebuffed.

The contract includes a wage freeze, a 3.2 percent increase in pension contributions by employees, and increased premiums that employees must pay for medical insurance.

"Corruption at City Hall has become an epidemic and it's reached a point that it can't be ignored," said Gregory Petersen, an Orange County lawyer representing the union.

Petersen said Aguirre could be removed under the city charter for being a "miscreant" city official who is not properly managing his office.

The San Diego Union-Tribune • Wednesday, August 10, 2005

The lawsuit was filed on behalf of 1,300 of the 2,000 members of the San Diego Police Officers Association, which represents officers holding the rank of lieutenant or below. It seeks to stop a rollback of retirement benefit increases that have been granted.

In addition to Aguirre, it names all members of the current City Council and members of the City Council in 1996; City Manager Lamont Ewell and his predecessors Michael Uberuaga and Jack McGrory; the San Diego City Employees Retirement System; and Ed Ryan, the city's former auditor and controller, who resigned in January 2004.

It also names former members of the pension board who have been charged by county District Attorney Bonnie Dumanis with felony conflict-of-interest charges. They are Cathy Lexin, Mary Vattimo, Terri Webster and Sharon Wilkinson.

Ewell said the union's assertion is wrong that the city is not funding the supplemental savings program that was created when Social Security was dropped by city-employee vote.

"If we weren't, I'd hear about it," Ewell said.

Aguirre said the lawsuit is frivolous.

"The POA needs new leadership and a new lawyer to represent it," Aguirre said.

Petersen alleges in the lawsuit that Aguirre met with city union leaders Jan. 14 and offered them \$650 million in city money to divide among their members in exchange for giving up vested pension benefits.

Petersen said Aguirre, who was not authorized to represent the city in labor negotiations, offered the deal in exchange for union support for his efforts to roll back benefits approved by the pension board and City Council in 1996 and 2002.

Aguirre filed a lawsuit last month in Superior Court seeking to overturn those benefit increases because the city approved them without having

the funds to pay for them. He contends the benefits are illegal and have contributed to an underfunding of the pension system, which has a deficit of at least \$1.4 billion.

If Aguirre prevails, benefit increases would be rolled back for city employees who have retired since Jan. 1, 1997, or who are still employed. Pensions would be reduced for 800 to 900 retired employees and about 11,000 current employees.

Aguirre offered a different version from Petersen of his meeting with union members. He said he met with a group of retirees in January and explained the disputed benefits

and why he thought a rollback is necessary.

Judie Italiano, president of the 6,000-member San Diego Municipal Employees Association, said Aguirre met with a group of older retirees — not union leaders.

Italiano, who has fought Aguirre's attempt to roll back the benefit increases, said she supports the police union's attempt to oust him.

"Good for them," she said.

But Shaun Martin, a law professor at the University of San Diego School of Law, said getting a federal judge to order Aguirre to relinquish his office is a legal long shot.



The Online Division of The Sacramento Bee

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Disclosure rules missed governor deal

By Andrew McIntosh -- Bee Staff Writer
Published 2:15 am PDT Sunday, July 24, 2005

When revealing details of their finances to comply with the state's conflict of interest disclosure laws, California officials fill out forms that are much like erotica from the early 1900s: They bare a bit of their personal financial flesh, but much is left to the imagination.

The adequacy of the law and the disclosure forms have come under scrutiny since details of Gov. Arnold Schwarzenegger's \$5 million magazine deal were revealed this month in an obscure and much later securities filing, but not on his own disclosure form.

The flaws with the forms are so serious they must be fixed quickly to restore credibility to the now-tarnished disclosure system, ethics experts and legislators say.

The Political Reform Act of 1974 imposes minimal disclosure requirements on affluent politicians like Schwarzenegger, Treasurer Phil Angelides and Controller Steve Westly, who control fortunes via private holding companies or limited partnerships.

"The law needs to be amended to recognize changes in the way wealthy people manage their financial affairs that have taken hold over the past few decades," said Robert Fellmeth, a lawyer and director of the Center for Public Interest Law at the University of San Diego.

Critics say the forms include financial reporting ranges that are too vague and too low, especially for holding companies, and that completed forms should be available on a state Web site for public viewing.

Under existing rules, the Republican governor was required to report in his disclosure forms only that one of his holding companies, Oak Productions Inc., was paid more than \$10,000 by a magazine publisher during 2004.

In fact, his company was getting a percentage of the two muscle magazines' advertising revenue in a deal worth at least \$5 million at a time when he vetoed a bill proposing to regulate the activities of supplement makers whose advertisements filled those magazines.

That should never happen, even if holding companies are created only for a mix of tax and financial planning reasons, said Robert Stern, president of the Center for Governmental Studies in Los Angeles.

"It's the first time I've seen problems," said Stern, a campaign finance expert who drafted the Political Reform Act.

Fellmeth agreed, saying that holes in the reporting requirements now undermine the very

spirit of the law.

"The purpose of the act was to let people know the sources of your income, the range of your income and how it might influence your actions," Fellmeth said. "If income is cloaked by a holding company, then you're skirting the intention of the law, perhaps not even intentionally."

The current disclosure regime is overseen by the state's Fair Political Practices Commission.

All constitutional officers, legislators and state appointees - and their key staffers - must complete California Form 700 each year. They reveal a little about their assets, sources of outside income, some liabilities and gifts received in the past 12 months. Many local and county officials and university administrators also are required to fill them out.

But no exact numbers are required in the forms, thanks to a state Supreme Court ruling that said such a requirement would violate officials' privacy.

When investments are involved, politicians need only check boxes on the forms for sweeping financial ranges: from \$2,000 to \$10,000; \$10,001 to \$100,000; \$100,001 to \$1 million; and more than \$1 million.

With personal income, the highest reporting threshold is \$100,000 or more.

The governor reported five different sources of personal income that each earned him more than \$100,000 last year, including:

- * Dividend income from a high-yield bond fund.

- * Stock dividends from his million-dollar stake in privately held Dimensional Fund Advisors Inc., a Santa Monica-based money management firm that manages money for CalPERS and other public pension funds.

- * The proceeds from the sale of three Los Angeles residences reportedly worth more than \$15 million. Each of the three exceeded the highest reporting threshold of \$100,000.

But Schwarzenegger reported no personal income from American Media, the publisher of Flex and Muscle & Fitness magazines.

That's because he owns most of his fortune through three holding companies. His consulting deal was done through Oak Productions Inc., a California firm incorporated in 1977.

The governor disclosed his ownership of Oak Productions, saying it was worth more than \$1 million and had gross income exceeding \$100,000 in 2004. He also said 21 companies - including American Media - paid Oak more than \$10,000 each last year.

The governor insists he complied with all disclosure regulations but still canceled his deal with the magazines.

Schwarzenegger also has cut his financial ties to the Arnold Classic fitness expo he's held the past 17 years in Columbus, Ohio. Schwarzenegger attends the giant athletic and bodybuilding competition, which receives heavy sponsorship from the nutritional supplements industry.

Exec Life Jurors Award Damages

Garamendi hails the \$700-million punitive verdict, but experts say a reversal is likely.

By CLAIRE HOFFMAN
AND MARC LIFSHER
Times Staff Writers

A Los Angeles jury Thursday awarded \$700 million in punitive damages against a French company that fraudulently acquired the assets of the collapsed Executive Life Insurance Co. more than a decade ago.

California Insurance Commissioner John Garamendi hailed the finding in U.S. District Court as "a proper and fitting" victory for some of the approximately 350,000 policyholders who lost billions of dollars in the 1991 seizure of the state's then-largest life insurer. Garamendi was seeking more than \$1.7 billion in damages and interest from Artemis for its role in the Executive Life failure.

But James Clark, attorney for defendant Artemis, the Paris-based holding company of French billionaire Francois Pinault, called the judgment a "legal curiosity" and predicted that the \$700-million award wouldn't stand because the jury failed to assess any compensatory damages.

Legal experts agreed that Garamendi was unlikely to collect any of the \$700 million in punitive damages. Based on rulings by both the U.S. Supreme Court and the California Supreme Court

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LOS ANGELES TIMES

C10 FRIDAY, JULY 22, 2005

Outcome of Award Is Uncertain

[Exec Life, from Page C1]

Court, they said, compensatory damages generally must be awarded if punitive damages are to be assessed. Compensatory damages are meant to repay an injured party for actual losses, while punitive damages are meant to punish the defendant for wrongdoing.

"One of the elements for a punitive damages award is that there be actual damages for the plaintiff," said Robert Fellmeth, a law professor at the Center for Public Interest Law at the University of San Diego. "I think this is a problem for the plaintiff."

The U.S. Supreme Court in a 2003 decision ruled that punitive damages must be "reasonable and proportionate" to actual damages, said John Sullivan, president of the Civil Justice Assn. of California, a legal reform organization. "A ratio of zero is still zero," he said.

However, Gary L. Fontana, a lawyer for Garamendi, cited a

2005 California Supreme Court opinion that he said affirmed a jury's ability to award punitive damages based solely on a defendant's proven ill-gotten gains.

The jury award, which followed six days of testimony and a day and a half of deliberations, is the latest twist in the 1999 lawsuit filed by the Department of Insurance in the wake of Executive Life's collapse. The suit alleged that Credit Lyonnais, then controlled by the French government, conspired with other investors to acquire Executive Life's multimillion-dollar portfolio of high-risk corporate "junk" bonds from Garamendi, who had taken control of the company to protect policyholders.

Garamendi later sold the bonds and the insurance assets to Credit Lyonnais and allied investors, not realizing that they'd created a series of intermediary companies in violation of a state law that prohibits foreign government entities from owning in-

surance firms in California.

In May, the same jury, ending an eight-week first phase of the trial, issued a split decision, finding Artemis guilty of fraud but clearing co-defendant Pinault of wrongdoing. Through Artemis, the 68-year-old Pinault, one of the richest men in France, controls luxury goods maker Gucci Group and fashion house Yves Saint Laurent.

In a conference call Thursday, Garamendi said, "We have said all along that wrongdoers should not profit from fraud. Today the jury agreed with us."

He noted that the \$700-million award, combined with about \$600 million in previous settlements, "would be a great help to policyholders as they attempt to recover from the financial damages caused by this fraud."

However, representatives of Executive Life policyholders, many of whom lost hundreds of thousands of dollars from promised annuities when the insurer

collapsed, said they were disappointed in Garamendi's handling of the case.

"We are examining our options for finally holding Commissioner Garamendi responsible for 14 years of lies to policyholders, the press and, most recently, to a federal judge and jury regarding the nature and magnitude of policyholder losses," said Maureen Marr, a spokeswoman for the Executive Life Action Network. Policyholders say their losses totaled between \$4 billion and \$4.5 billion.

While the jury's punitive damages award remains clouded, other damages may still be forthcoming. U.S. District Judge A. Howard Matz said he would rule soon on whether to award restitution to policyholders.

A parallel Executive Life fraud suit, brought by California Atty. Gen. Bill Lockyer, continues to be active, though it is awaiting a ruling from the California Supreme Court.

Port commissioner's mindful of conflicts

Lawyer at prominent firm faces potential predicaments

By Ronald W. Powell
STAFF WRITER

New port Commissioner Victor Vilaplana said he knows his pursuit of public service requires him to constantly check to see whether a conflict of interest is lurking in the fine print of issues before the commission.

It's a predicament that a lawyer working for a prominent corporate law firm in San Diego must be aware of when serving on public boards and commissions, he said.

Vilaplana said he would resign from the commission if conflicts disrupt his ability to govern.

"I'll be sensitive to it," said Vilaplana, 58. "And if I'm recusing myself all the time, it will mean that



Victor Vilaplana joined the Port Commission last month after being picked by San Diego Mayor Dick Murphy. "It's an enormous challenge, and I'm flattered that someone thought I could make a difference." Fred Greaves

SEE Port, B3

I'm not a good representative of the city of San Diego."

Government ethicists say Vilaplana is in a situation faced by many businesspeople in public service. If the individual or his or her company is successful, the odds increase that conflicts of interest may arise.

When conflicts occur, public officials are required to recuse themselves from deliberating or voting on the matter. But there is no guideline for determining how many recusals are too many, or how many conflicts render a public official ineffective.

"As a practical matter, if you take a position, you ought to be able to vote, except in exceptional circumstances," said Robert Fellmeth, a public-interest lawyer and ethics expert at the University of San Diego School of Law.

"It can be difficult for attorneys in a large law firm in San Diego," Fellmeth said. "San Diego is a small town (in the legal profession), and people are interconnected in ways here that they wouldn't be in Los Angeles."

The Port Commission is the governing board of the San Diego Unified Port District, a public agency that administers non-military tidelands on San Diego Bay and the Imperial Beach oceanfront. The port operates two marine cargo terminals and a cruise ship terminal and is the landlord of more than 600 waterfront businesses.

The seven-member volunteer commission is appointed by the city councils of San Diego, National City, Chula Vista, Coronado and Imperial Beach. San Diego has three members and the other cities have one each.

Vilaplana, who took office June 7, recused himself from an issue at that first commission meeting. He is sitting out on discussions of Ballpark Village, a \$1.4 billion high-rise development proposed east of Petco Park by JMI Realty, owned by Padres owner John Moores, and Lennar Realty.

Vilaplana is a partner in the law firm Seltzer Caplan McMahon Vitek, and a lawyer at the firm represents Lennar.

He will face similar conflicts as a port commissioner on two other major issues coming before the port. In each, members of his law firm represent key players.

One is a developer proposal for a 130-room resort on 5 acres south of the Coronado Cays Yacht Club along San Diego Bay. The Coronado City Council has voted to oppose the development, which the commission is reviewing because it would be built on port-administered state tidelands.

Vilaplana also will not participate in talks about the port's retirement assets in the city's troubled pension system because his firm advises the retirement board.

The \$3.6 billion San Diego City Employees Retirement System has a deficit of at least \$1.4 billion — prompting the Port District to take steps to safeguard about \$140 million of its retirement assets in the fund.

Vilaplana said other conflicts also may arise.

LADJ St Bar, BF, sm7 ✓

Public-Interest Lawyers Finesse Revised Unfair-Competition Law

By Lorelei Laird

Daily Journal Staff Writer

When Proposition 64 passed last fall, public-interest attorneys predicted doom.

They worried that the initiative, which requires plaintiffs to demonstrate specific damages in order to file a lawsuit, would make it virtually impossible to take on abusive business practices.

Seven months after Proposition 64 passed, public-interest attorneys still see the law as an obstacle. But, for many, it's proving to be a surmountable one.

Hernan D. Vera, the directing attorney of the consumer law project of Los Angeles' Public Counsel, said the law makes his job more difficult to do but not impossible.

Vera said a lot of the cases his group might have filed before under the private-attorney-general law are possible to file but must be brought as class actions, with "lots more expense and uncertainty than we had before."

He cited Public Counsel's work against notarios, Spanish-speaking immigration and bankruptcy consultants who sometimes tout themselves as lawyers and charge a lawyer's fees but are not licensed to practice law.

"In the past, we've been able to file suits using 17200 to seek relief on behalf of lots of their clients," Vera said. "Now we've had to certify a class, and we've had to back off on at least one case because of the added expense of having to file as a class action."

That expense includes notifying all members of a class, generally through advertising, that the suit exists.

He said he hopes judges will recognize the problems that the new law poses for public-interest attorneys and accordingly be generous about granting class status.

That was the outcome of one case that Public Counsel had pending during the November election, against a Koreatown supermarket it alleged was repackaging

spoiled meat for sale with new expiration dates.

In that case, Vera said, the defense attorney made a successful motion to dismiss the case, arguing that Public Counsel lacked standing under the new version of Section 17200 of the state's Business and Professions Code.

Before Proposition 64, Section 17200 entitled any citizen to file a consumer protection lawsuit on behalf of the public, regardless of whether that person had been harmed by the alleged unfair business practice.

"[The judge] gave us leave to amend, and we're proceeding as a class action, but for nonprofits like us, it just makes the prosecution of these cases more difficult," Vera said.

"Most of our cases do have plaintiffs that have been injured," he said. "It's just going through the hoops of certification that make it tougher and discourage organizations from beginning these types of cases."

Steve Blackledge, the Sacramento-based legislative director of California Public Interest Research Group, agreed.

In the state Legislature, Blackledge said, the law has even had some positive effects on his group's efforts to pass consumer protection legislation.

"Some people who are moderates ... are less fearful of consumer legislation in some sense, because the specter of 17200 isn't hanging out there as much," he said. "The negative is that we have to be far more specific about how enforcement will work."

Blackledge's group has not filed any lawsuits since the law passed in November. But the group had to bow out of two pending consumer-protection suits filed before the election because it lacked standing under the reformed Section 17200.

State appeals courts are split on

See Page 2 — PUBLIC INTEREST

Public-Interest Attorneys Work Around Unfair-Competition Law

Continued from Page 1

whether the law applies to litigation filed before the November election; the state Supreme Court agreed in April to consider the question.

Richard Drury, a partner at South San Francisco firm Adams Broadwell Joseph & Cardozo, is less optimistic.

For Drury's conservation group clients, he said, "Proposition 64 has made it virtually impossible to enforce several state environmental laws."

"Especially with environmental harm, it's very hard to show monetary or [physical] damage to any person," Drury said.

If someone is polluting the air, "Can I prove that I've suffered some quantifiable monetary harm? Probably not. My property is probably not worth any less. I probably can't show that I've contracted cancer or asthma," he said.

Because of the communitywide nature of environmental harms, Drury said, these suits are very hard to file as class actions. Two state laws, the Environmental Quality Act and the Safe Drinking Water and Toxic Enforcement Act (1986's Proposition 65), contain special provisions allowing anyone to sue to enforce them.

But when it comes to enforcing other state laws with litigation, Drury said, "sometimes we just don't do it at all."

"To the extent we can, we try to use federal statutes," he said. "But the state environmental laws are substantially broader and more protective than federal environmental law. So it's become increasingly difficult to enforce violations."

"Even when it is clear that the company is violating the

law, there is no way to enforce [that law]."

Michael Mallow is sometimes on the other side of consumer-protection suits as a defense attorney with Kirkpatrick & Lockhart Nicholson Graham in Century City.

Mallow said he's seen a dramatic drop in filings by "dummy" associations created especially to serve as public attorneys general.

"There were a significant number of entities that were created for the purposes of filing unfair-competition claims under 17200," he said. "Those are now, for the most part, gone."

Defense attorney Jim Burgess, head of the business trials practice group at Sheppard, Mullin, Richter & Hampton, said he's also seen a dramatic drop in abusive "shakedown" lawsuits.

Burgess was a supporter of Proposition 64 and participated in two televised debates on the initiative. Public-interest lawsuits should be left to the public prosecutors, he said.

"If someone is violating an environmental law like that," Burgess said, "that's exactly what the attorney general is supposed to be doing."

"I don't think there's any prohibition on the Sierra Club or the Natural Resources Defense Council or any of those other groups that have good causes and legitimate cases from ferreting out illegal activity, packaging the case and giving them to the [public lawyers] to prosecute."

He added that allowing any public-interest group to sue on behalf of the public is problematic because the agenda

of a private group is not necessarily one that will benefit the public.

But Drury pointed out that public attorneys have limited resources and sometimes have political reasons for not pursuing polluters.

Professor Robert Fellmeth, the director of the Center for Public Interest Law at the University of San Diego, said neither public-interest attorneys nor prosecutors have historically liked the idea much.

"If you filed a case and the defense has so much money and you want to get a remedy for the victims and you do all the work, nobody else wants to be filing the case as a 'caboose,'" Fellmeth said.

During his days as a public attorney, he said, he "had private attorneys who would bring 'caboose' cases on me and [he] didn't like it."

"You don't want to duplicate cases," Fellmeth said.

Since Proposition 64 went into effect, he said, public attorneys have not stepped in to file the consumer-protection lawsuits private attorneys can't file anymore.

But Fellmeth expects they will, if they realize the law mandates that they get the proceeds of consumer protection suits, making it "a major profit center for them."

"If they do, I expect to see and hope to see that they will fill a lot of the vacuum here," he said. "But the concept that public prosecutors can take care of unfair competition by their own devices has been generally disproved by the record in the past."

"There's no substitute for having people in the private sector who have contact with the community."

Aguirre gives pension board deadline

Documents must be given up by Tuesday

By Jonathan Heller
STAFF WRITER

San Diego City Attorney Michael Aguirre has given the city's pension board a Tuesday deadline to release privileged documents sought by federal investigators.

If the board does not vote to waive attorney-client privilege when it meets that day, Aguirre said yesterday, he will immediately ask a federal judge to place the pension system under the control of a court-appointed trustee, a process known as receivership.

Board President Peter Preovolos said this week that the board would discuss but not vote on the privilege question Tuesday and

might take until the end of the month to make a decision. The current board first discussed it in mid-April.

"The fact it's taken so much time means there's stonewalling going on," Aguirre said.

He said he can seek court receivership for the pension system without City Council approval. The council's next scheduled meeting is July 18.

Aguirre was among the first to suggest receivership might be the best route for solving the pension system's problems. Others who have said receivership is worth considering are Councilman Scott Peters, a lawyer; Councilwoman Donna Frye, who is running to replace Mayor Dick Murphy in the July 26 special election; and

SEE Pension, B10

city consultant Arthur Levitt, a former Securities and Exchange Commission chairman.

Peters said yesterday that Aguirre cannot take legal action toward receivership without the council's approval. "But I'm not saying we wouldn't give him that authority," he said.

He also said he was disappointed that the pension board may not act next week to waive its privilege. "I was geared up for the board to make a decision on Tuesday," Peters said.

Councilwoman Toni Atkins said she was surprised that Aguirre was not planning to get the council's support before going to court.

"I would hope we could do this as a united front with the city attorney and City Council," Atkins said.

She said the council wants to be prepared to take steps toward receivership. "The council is very serious about moving in that direction," Atkins said.

Frye said, "I'm optimistic, given the pension board's inaction, that the mayor and council will be more likely to view the issue of receivership favorably."

Receivership — which is not bankruptcy — occurs in cases where the management of an entity is deeply flawed and is acting improperly, incompetently or illegally.

A court-appointed receiver would have authority to release documents, which would move along the investigations. However, receivership would be a lengthy and costly process.

Shouting matches

City officials contend that the pension board is holding the city hostage by not releasing documents subpoenaed by the U.S. Attorney's Office that could help investigators and auditors untangle San Diego's troubled finances and restore its credit rating.

Some board members say the city created its own problems and should not ask the independent pension board to bail it out by waiving privilege.

The issue has led to public shouting matches and name-calling at recent meetings of the pension board and City Council. There have been calls for the entire board to be removed, and suggestions by board members that they are being maneuvered into doing the council's bidding.

"The political rhetoric has been pretty hot," said Bill Lopez, one of 12 board members appointed since April. "There's kind of a siege mentality."

Lopez is the city's risk management director and was appointed to the board by City Manager Lamont Ewell.

The board is set to meet at 1:30 p.m. Tuesday to discuss for the third time in closed session whether to waive attorney-client privilege. It also has three more meetings scheduled in July to discuss the issue.

The waiver would allow investigators with the Securities and Exchange Commission and the U.S. Attorney's Office to see pension system documents containing communications between board members, staff and their lawyers.

Officials have said the waiver of privilege is the only thing that will allow investigators to finish their probes and for the auditing firms of KPMG and Macias, Gini & Co. to complete the city's overdue 2003 and 2004 financial reports. Once those are complete, the city can return to the bond market and borrow money to jump-start essential projects, such as sewer upgrades and road repairs.

It would also allow the city to issue pension obligation bonds, which would help draw down the pension deficit that is at least \$1.4 billion.

Preovolos said it is irresponsible for city officials to pressure the 13-member board, 12 of whom started their terms in April and June.

"We understand KPMG is anxious. We understand the City Council is anxious. We understand the U.S. attorney is anxious, and we understand the SEC is anxious. But folks, we didn't create this problem," said Preovolos, president and chairman of the board of a consulting firm specializing in trust audits and accounting.

The pension deficit is attributed to unfunded benefit boosts, investment market losses in 2000-02 and City Council underfunding, dating to at least 1996.

County District Attorney Bonnie Dumanis has charged six former and current pension trustees with felony conflict of interest, accusing them of allowing the council to underfund the system in exchange for increasing their own and other employees' retirement benefits.

They have all pleaded not guilty.

Voters approved in November restructuring the pension board, and the council installed 12 new members in April and June. The only member from the old board is John Torres, one of the six facing charges. Torres is a police fingerprint examiner and vice president of the Municipal Employees Association.

The council voted to waive its attorney-client privilege not long after November's election.

Waiver questioned

Preovolos and board member Thomas King wrote a letter to the pension board and staff in May questioning the city's push for the waiver.

"We wonder if this new board was empaneled as a straw man to do the bidding of the city officials of expediently waiving the board's attorney-client privilege before the board can evaluate all of the possible ramifications of doing so," they wrote.

Although the council has called on the members to waive privilege, it has not made it a litmus test for appointing new members. Last month, it appointed Richard Kipperman, president of a bankruptcy consulting firm, even after he told them he had not decided whether he would vote to waive privilege.

The federal investigations began in January 2004 when errors and omissions related to the pension debt were discovered in city bond documents.

Preovolos argues the pension system has nothing to do with the granting of benefits — either legal or illegal — because that's the council's job. The system only administers the benefits.

He has resisted efforts to dig into privileged pension system documents because he believes the government is on a fishing expedition. "All we have heard is somebody's opinion that something has taken place," Preovolos said. "Where is the investigation?"

The government has subpoenaed documents from city and former pension board officials related to two agreements in 1996 and 2002 to underfund the system. Pension system staff were recently ordered to provide handwriting samples to the U.S. Attorney's Office.

"What's under investigation is the exchange of pension benefits for not enforcing the pension's fiduciary rules," Aguirre said. "It goes to the very heart of the pension system."

Board members voted 8-4 not to waive privilege at their

April 16 meeting, with one vacancy on the board. They discussed the matter again June 18 but took no action.

Six of the 13 board members responded to requests for interviews for this story. Four of them — Lopez, William Sheffler, Joe Flynn and Mark Sullivan — said they would vote to waive privilege.

Lopez voted not to waive it in April but has changed positions.

"I believe approval of the waiver is the least bad of several bad choices," Lopez said. "I believe it's very important that the city get back into the bond market."

Member Susan Snow, who did not return calls, voted in April to waive the privilege.

Preovolos and Steve Meyer said they have not decided. They voted against it in April.

Call for transparency

Sullivan, elected by officers to represent the city police union, said transparency should be the board's goal.

"There is no real secret on how a retirement system operates, and there shouldn't be," he said. "What got the city in trouble in the past is that they were handling so many of their affairs behind closed doors."

Sheffler, an actuary, said: "I

feel like there's a need to do a thorough investigation into whether there have been illegal acts by board members or staff. The only way that can take place is if we waive privilege."

Meyer, who represents city employees, said board members have been advised of the risk of lawsuits against them if they release documents.

"Is it prudent to expose the trust fund to that risk for the benefit of somebody else?" Meyer said.

Legal experts said waiver of privilege is becoming common in SEC investigations. The

commission has made it clear that entities that cooperate generally fare better than those that don't.

Dan Kramer, a New York attorney who has practiced securities litigation for 20 years, said he counsels his clients to waive privilege for their own benefit, although he acknowledged that it carries risks.

Waiving privilege "could permit private litigants to obtain privileged information ... that they (could) use against it in a civil lawsuit," Kramer wrote in the *New York Law Journal* in 2002.

University of San Diego law professor Bob Fellmeth, a former white-collar-crime prosecutor, said a waiver says, "have nothing to hide."

Board members have voiced concerns that they might be placing pensioners at risk if waiving privilege and the subsequent investigation leads to a rollback of their benefits.

Fellmeth disputed that. Pensioners "don't get something that a correct process would not have produced," he said.

Sunday, July 3, 2005

The last hurrah

Beyond three decisions or so, it's hard to find rulings in the Supreme Court term just ended that didn't amount to endorsements of massive increases of power for government and significant intrusions on individual rights that most Americans thought were part of our birthright. During this session the court simply didn't do what courts were ~~designed~~ to do in our tripartite constitutional system – exercise vigilance about abuses of power in the other two branches.

Roger Pilon, who heads up constitutional studies at the libertarian Cato Institute, told me the court this term was "the government's court. Too often this term the court has deferred to the government and not performed its proper function of overseeing and restraining the government when it goes beyond constitutional bounds."

Roger Pilon shares with Bernard Siegan, who teaches constitutional law at the University of San Diego, and a growing number of scholars, a view of the Supreme Court's proper function that is a bit different from the dichotomy of judicial activism or judicial restraint that dominates most discussions of the court's role.

When the legislature passes laws or the president takes actions that go beyond the limited-government boundaries set up in the Constitution, it is not judicial activism but precisely the court's job in our system to strike those laws down. Courts can and do engage in activism when they poach on the turf of the other branches – when they take over and run a school system for years, for example, or dictate how tax money is to be spent, or make up "rights" that amount to claims on the resources of others. But striking down laws that are unconstitutional or that impinge on constitutionally protected rights is what the high court is supposed to do.

Within that framework, Bernard Siegan told me recently, courts should "exercise particular vigilance over occasions when other branches violate the rights of citizens, as spelled out in the Bill of Rights, the 14th Amendment and other clauses," all interpreted through a "presumption of liberty," as Boston University law professor Randy Barnett puts it.

Many conservatives and some liberals who decry judicial activism amount to majoritarians whose deference to the legislative branch is almost complete. Judicial restraint, for people like Robert Bork or Justice Antonin Scalia, amounts to allowing the legislature to do almost anything it wants – the usual test is that legislation must have a "rational relationship" to its stated purpose, which means in practice that if some deluded college sophomore or self-interested city council member thinks it might work, that's good enough.

If the court's job is to protect the liberty of individual citizens when other branches of government overstep their proper constitutional bounds, the Supreme Court was simply terrible at it this term.

The most egregious example, of course, was *Kelo v. City of New London*, the eminent domain case. The Fifth Amendment says, "nor shall private property be taken for public use without just compensation." For centuries people understood "public use" to mean things like city halls, roads and schools. But city councils and planners have lately taken a more expansive view. In New London, the city wanted to use eminent domain to take a residential neighborhood and turn it over to a private developer to build office buildings and shopping centers, which would garner the city more tax dollars.

One step over the line? Not at all, wrote Justice John Paul Stevens. Local officials are best positioned to judge whether seizing somebody's house will bring "benefits to the community, including – but by no means limited to – new jobs and increased tax revenue." That's beyond the morphing of "public use" into "public purpose" that local and redevelopment officials had been seeking.

And your property belongs to you only at the sufferance of city hall. The court was consistent about this. In the *San Remo* case it decided that a city can dictate what kind of clientele a hotel can choose to serve. In the *Lingle* case it decided that imposing rent control on certain kinds of property didn't take away any of the value of the property in a way that had to be compensated.

In *Raich v. Gonzales*, the medical marijuana case, the court ruled that growing an herb in your own back yard and using it under medical supervision and with the blessing of state law to ameliorate pain or disease is not only commerce, it is

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The Claremont Institute's **Center for Local Government** aims to restore republican government at the local level. This means articulating and applying the fundamental principles of the American Founding: the rule of law, property rights, and morality. Americans should become once again, as James Madison urged, "free and gallant citizens;" "the mutual guardians of their mutual happiness."

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SCOC Talk: Governor's Court Opportunity

With all the SCOTUS talk it's all too easy to forget the Supreme Court of California's vacancy, with Janice Brown finally safely on the DC Circuit Court of Appeals, the next best place for her in the court. **Harold Johnson** emphasizes the importance of the Governor's choice for her replacement: a property-rights vigilant jurist.

From my think-tank vantage point the people who come most readily to mind are from our better law schools: Gail Heriot of the University of San Diego and Doug Kmiec of Pepperdine, and of course John Eastman of Chapman and our own Center for Constitutional Jurisprudence. I would put forward the names of some appeals court justices, but I will spare them the embarrassment.

And speaking of property rights, did you catch **Howard Dean's denunciation** of the "right-wing" Court for its *Kelo* decision? **Patterico** is typically astute on this. I have to concede however that three of the five *Kelo* majority were moderate or liberal Republican appointees, as were the three conservative dissenters, plus the retiring Justice O'Connor. All the more reason to focus on the intellectual, political, and jurisprudential qualities of nominees.

And I would dissent as well from Harold Johnson's notion that former Governor Pete Wilson "won a place of honor in history by putting Janice Brown on the high court." That would have required many more penances.

Courts | Ken Masugi | July 31, 2005 | 02:04 PM

TrackBacks

Comments

Thankfully, the legislative branch is now busy at work attempting to shield private property rights from the Supreme Court ruling. It

Band keeps audiences coming back for more

By Pat Sherman

UNION-TRIBUNE COMMUNITY NEWS WRITER

July 13, 2005

RANCHO BERNARDO – Excited whispers spread through the standing-room-only crowd.

It was time for the members of the RB Swingtet to enter the room and be introduced. Each musician received fervent applause from the more than 100 people gathered to hear big band, jazz and swing music from the 1930s to '50s.

Jane Hamilton sat two rows from pianist Vic Seliger.

"The man is mellow," Hamilton said. "His hands just rub off the piano. He's so cool, as the kids say."

The RB Swingtet consists of bass, drums, clarinet, piano and vibraphone, an instrument similar to a xylophone that produces a mellow vibrato sound.

The quintet performs the second Monday of each month at Rancho Bernardo branch library.

Last year the band played 85 engagements, including parties, birthdays, retirement communities and country clubs.

"They have a terrific knowledge of the jazz era," said Rancho Bernardo resident Glenn Silversher. "I asked them once, 'When do you rehearse,' and they said, 'We don't.'"

The band has close to 600 songs in its repertoire, including selections from Cole Porter, Harry Warren, Jerome Kern, George Gershwin and Duke Ellington. The musicians rarely use sheet music.

"It's all ad lib in concert," said vibraphonist Don Loeffler, 80. "We get it into our head, and then it's 'Bye-bye paper.'"

Drummer Don Bunin formed the band 10 years ago after moving to Rancho Bernardo with his wife.

"We're very compatible," Bunin said. "All the time we've been playing together we've never had one of these big ego clashes . . . We always work it out amicably."

Clarinetist Hugh Friedman, 74, developed a love of big band music as a child, when orchestras and bands would often play during an intermission at a double feature.

"You'd hear this music, and then the band would rise magically from the orchestra pit on a riser," recalled Friedman, a professor of corporate law at University of San Diego.

"I find swing is pure. It's melodic. The songs tell a story of love, loss and sorrow. I just respond to it."

Guest musicians will occasionally play with the group. Bassist Ron Black sings a few numbers during each

Judge's Compassion Extends Beyond Courtroom

SAN FRANCISCO DAILY
JOURNAL

SAN FRANCISCO, CA
MONDAY 6,000
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4154
By Don Ray

Daily Journal Staff Writer

SAN BERNARDINO — The folks in and around Department 3 in Victorville have been talking a lot about the blind boxer.

They've been asking Los Angeles Superior Court Judge David S. Cohn when the boxer will arrive and whether he's likely to get along with the others — after all, one has a broken leg and the other is missing one. He chewed it off so he could escape the chain around it.

Dogs have been known to do that when they're desperate.

The judge, his wife, Regina Cohn, and their 8-year-old daughter, Miriam, have turned their residence into a refuge for physically and medically challenged boxers.

"It's sort of a hobby for us," Cohn said.

He says a former client from his private practice days regularly rescues boxer dogs with serious medical problems. She saw the Cohns as a likely foster family.

"She suckered my wife and I into this whole thing," Cohn, 52, said with a smile that erased anything even remotely resembling an actual complaint.

They were taking care of three dogs, he says, until one succumbed to the liver ailment that had brought him into their home.

That left them with "BG" and "Keeper."

"BG" had her leg broken in a serious car accident, Cohn said. It healed incorrectly, so veterinarians had to break it again to straighten it out.

She's doing just fine now.

The owner of the other dog had tied him up outside, the judge said, and the chain had gotten wrapped around the dog's paw.

"The dog chewed its own leg off," Cohn said, "so then the owner turned it over to a boxer rescue group."

The Cohns named the dog Keeper, after the canine companion of "Wuthering Heights" author Emily Brontë. Animal lovers and psychologists often cite the special relationship between Brontë and the abused dog that befriended her and became her lifelong companion.

In many ways, the story of the Cohns' boxer was the same.

"We're supposed to take these 'medical fosters' and get them in shape for someone else to adopt," Cohn said, "but we always attached and end up adopting them yes."

Just last week, the blind boxer arrived at the Cohn household, and, the judge said, it's already clear that "Little Jules," as they've named him, also will become a permanent part of the family.

"He's already running around and playing and having fun," Cohn said.

Assisting animals is a fairly recent activity in Cohn's life, but he's taken to it with a passion that lights up his face when he talks about it.

The same could be said about the passion he has exhibited during his relatively short tenure on the bench.

"He's a quick study," said Deputy Public Defender J. Robert "Bob" Gericke. "He's kind of new to criminal law, feeling his way around, but he's learning quickly."

Gov. Gray Davis appointed Cohn to the Superior Court just two years ago, but he already is the supervising judge at the Victorville courthouse. And he's quickly gaining a reputation for being ambitious, innovative and willing to learn — even at the risk of skinning his knees once in a while.

"His strength is that, when he came on the job, he put a lot of effort into learning the law he wants to know," said Deputy District Attorney Edward J. O'Brien.

"From day one, any time there's an issue he doesn't understand, he wants a briefing or an argument," O'Brien said. "And he will research the law. He will read the law."

One of the things observers first notice about Cohn's demeanor is the courtesy and patience he demonstrates.

"I think he explains things well for the defendant," Deputy Public Defendant Raymon E. Hallard said. "He seems to be very thorough."

Where most other judges will advise defendants in legal terms of their rights, Cohn explains it in a vernacular he says is easier for them to understand.

"I find him to be extremely patient toward our clients who don't always understand the intricacies of everything," O'Brien said, "and he wants to make certain they understand it."

Cohn says it's a myth that defendants who have been through the system many times actually understand what's going on.

"I make sure I don't use lingo while I'm doing it," he said. "Our form says 'You have the right to confront and cross-examine witnesses against you.' What does that mean?"

"I explain to them that that means they have the right to see and hear all of the witnesses against them," he said.

O'Brien says Cohn is one of the rare judges who tries to be on top of the issues in every case.

"Don't go in there and b.s. him, because he'll have follow-up questions," O'Brien said. "He's pretty intellectual. In some complicated sentencing issues, he will want a briefing."

"He's receptive to argument. It's not as if he's come in and just made up his mind."

Cohn made up his mind at an early age to become a lawyer, he said, but the lure of entertainment took him astray.

When he was in high school in his native Denver, Cohn landed a role in what he calls "a God-awful" musical and had to sing a love song.

"I can't remember the name of it," he said. "I was so nervous that I got about two measures ahead of the orchestra."

Despite his offbeat performance, it wasn't long before he had visions of "David Cohn" showing up on theater marquees and film credits.

After spending his first year of college at the University of Colorado, Cohn followed the drama dream to San Diego, where he

enrolled in the United States International University, a school of performing arts.

"Interestingly enough, it was in a building in downtown San Diego, which is now the California Western School of Law," Cohn said.

"So I went to college in that building before it was that law school."

When he graduated, Cohn trooped east to Indiana, where he performed as an actor in summer stock productions.

"Then I moved to New York," he said, "where I began looking for work as an actor but not finding very much."

For several years, he traveled around the Northeast and Midwest with a company that produced educational dramas primarily for high school students.

"After that, I became a piano tuner and rebuilder," he said. "I took a course at the New England Conservatory of Music to learn how to do it."

He says he was reasonably successful at it in the New York City area, but met and married a woman from San Diego who wanted to return home.

"We moved together and I tried to get a piano tuning and restoring business going in San Diego," Cohn said, "but I think people in California don't own pianos as much as they did in New York. And, for whatever reason, it was difficult to get that going, and I started thinking, 'I really need to do something else with my life.'"

About that time, he and his wife divorced, so Cohn dusted off his original dream and began studying law at the University of San Diego.

"I decided to go to law school, with the plan of becoming a prosecutor," he said, "so I took as much criminal law that the curriculum would allow."

He graduated with honors in 1987 and went into civil law instead. It was about the time law firms began paying civil attorneys a lot more than government agencies were paying, he said, and he was acutely overloaded with loan debts.

He had been a law clerk for Dorazio, Barnhorst & Bonar, so when he passed the State Bar examination on his first try, he hired on with them as an associate.

Two years later, he moved over to Gray, Cary, Ware & Freidenrich. While with the firm, he met a computer applications trainer there who would become his wife. They were married in 1991.

In 1994, Regina Cohn got a job with a computer company in Redlands, so they uprooted to the Inland Empire.

"I took a job with a law firm called

Borton, Petrini & Conron, which was an insurance defense firm," Cohn said.

In 1996, he joined what's now Lewis, Brisbois, Bisgaard & Smith and worked in its San Bernardino office. He eventually became a partner with that firm.

He stayed there until his appointment to the Superior Court in Victorville in 2003.

Cohn's first assignment was as one of the two civil judges there.

"As a practitioner, I had specialized primarily in commercial litigation and insurance bad faith defense and fraud investigations for insurance companies," he said. "Suddenly, as a judge, I was handling personal injury cases and everything else that really hadn't been a huge part of my practice."

The biggest challenge, however, was something he knew absolutely nothing about: civil restraining orders.

"What's challenging about them is the people are extremely emotional," he said. "A large number of them are frivolous and a large number of them are extremely serious."

"It's the job of the judge to listen very carefully and make sure that you're properly identifying which ones are frivolous and which ones are serious."

Not issuing a harassment order when it's appropriate could lead to serious consequences, he said. Conversely, allowing such an order when it's not justified can cause harm to innocent people.

"It's dangerous," he said, "and you need to be very, very careful. You have to put on the big ears and listen carefully."

Cohn said the court sees anywhere from six to 10 requests a day for such orders. He believes the police are, more and more, telling complainants that they should seek civil restraining orders.

Today, Cohn does mostly criminal trials and says he loves the assignment.

Profile



David S. Cohn

Superior Court Judge
San Bernardino (Victorville)

Career highlights: Appointed by Gov. Gray Davis to the San Bernardino Superior Court, 2003; partner, Lewis, Brisbois, Bisgaard & Smith, 1996-2003; associate, Borton, Petrini & Conron, 1994-96; associate, Gray, Cary, Ware & Freidenrich, 1989-94; associate, Dorazio, Barnhorst & Bonar, 1987-89

Law school: University of San Diego School of Law, 1987

Age: 52

Profile

FRONT PAGE

LOS ANGELES DAILY JOURNAL

LOS ANGELES, CA
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Paulette Durand Barkley
Superior Court Commissioner
Riverside

Riverside Jurist Wins Praise for Incisive Rulings

Commissioner Handles Probate Calendar With Compassionate Manner

By Jason W. Armstrong

Daily Journal Staff Writer

RIVERSIDE — She's only had her probate calendar for a month.

But attorneys say they stand in awe of how well Riverside Superior Court Commissioner Paulette Durand Barkley knows the thick code governing such cases.

They say she hardly ever refers to it when making decisions.

"She's brilliant," said Deputy County Counsel Patti F. Smith, who appears before Barkley every day.

"The Probate Code is huge and unique and very specific," Smith said, "but she knows the law so well she almost never has to take things under submission."

Riverside attorney Sheri B. Cruz said Barkley is a "great fit" for the assignment.

"She's very technical, which is, I think, a good trait," said Cruz, an associate with the Law Offices of J. Dana Mitchellweiler. "I'm really impressed with her knowledge of the law."

William R. DeWolfe, a senior partner at Riverside's Best, Best & Krieger, said he's "impressed with [Barkley's] thoroughness."

"She's very businesslike in court but still very pleasant at the same time," DeWolfe said.

Barkley said her switch to the probate calendar in June after hearing small claims and landlord-tenant disputes for more than a year was like slipping back on a comfortable pair of shoes.

She was supervising probate attorney for the court for four years before Riverside's judges elected her a commissioner in September 2003. Her duties as supervising probate attorney included

See Page 7 — JURIST'S

overseeing cases coming through the system and researching case law for probate judges.

"Getting this assignment felt like coming home," Barkley said. "But I don't think you ever feel comfortable doing probate. You're often being asked to make end-of-life decisions or [deciding] where a 13-year-old should live."

"I don't have the comfy feeling of leaving at the end of the day and not thinking about my job, because a lot of the things I deal with are very emotional. But I know enough of the [probate] code to have a battle plan every day, and I get through it."

Each week, Barkley decides 225 cases involving estates, trusts, guardianships and conservatorships. She deals with emotionally challenging issues such as stripping elderly or sick people of their rights to vote, drive or care for themselves or deciding whether an aunt, uncle or grandparent is fit to care for a child whose parents have dropped out of his or her life.

On a recent morning, Barkley had a guardianship status hearing that quickly turned into a sobbing-and-shouting match between the parties. The case involved a boy who was living in the temporary custody of his paternal grandparents. The mother, however, objected to the custody arrangement with the grandparents and told Barkley they had "trashed" her reputation to her son.

The boy's paternal grandmother whirled around quickly and started to object, and two bailiffs rushed toward the parties to quiet them.

"She's standing up here in front of you, judge, and she's lying, and so is her attorney, and I'm going to fight this to the bitter end," the boy's mother shouted, referring to the grandmother and her lawyer.

Barkley admonished her to "calm down."

"I can't calm down," the woman said tersely.

With a low and even tone, Barkley told the woman she had to file documents outlining her objections to the custody arrangement. She also said she couldn't make any rulings on the matter because the case first had to be referred to another court where the family law case had originated.

Her calendar, Barkley said, gives her a good insight on life.

"You have a different perspective on your own life when you see these families wrapped up in turmoil and greed," she said. "It makes you count your own blessings at the end of the day."

Cruz said she admires Barkley's "calming effect" on nervous and emotional people.

"She has a really compassionate demeanor with children and conservatees," Cruz said. "She's very friendly, and she puts people at ease. You can tell she really cares."

Robert B. Swortwood, a probate specialist who is a partner at Thompson & Colegate in Riverside, also gave Barkley's courtroom style high marks.

"She never 'hometowns' any out-of-town lawyer," Swortwood said. "She's extremely fair."

Swortwood said Barkley is effective at fostering settlements in litigation over estates.

"She explores all avenues that could lead to an agreement," Swortwood said. "She reads all the materials the night before ... so she can try to come up with some sort of resolution."

"She tries to have people avoid spending huge wads of money on worthless litigation."

Barkley, 47, was born and raised in Albuquerque, N.M. Her father owned a tractor sales company, and her mother was a homemaker who later worked at a local Air Force base.

Barkley said she and her brother started helping out with their father's business as young children.

"I was sharpening pencils for him at age 6, and by 12, I was doing accounts payable," she said.

Barkley earned a bachelor's degree in business from the University of Albuquerque in 1980 while working for her father.

The job made her want to be a lawyer.

"Growing up in a small business, every time there were problems or contracts to work out, I was dealing with lawyers," Barkley said. "I saw that they were making all the money."

She earned her law degree at the University of San Diego School of Law in 1984.

That year, Barkley moved to Las Vegas and went to work for a firm called Lionel, Sawyer & Collins. She worked on casino acquisitions with the firm, which focused on gaming law.

Finding that the "big-firm environment" wasn't her style, Barkley returned to San

"To say that Paulette was a hard-working attorney is a gross understatement," Rowley said. "She was a quick study. A lot of our work was baptism by fire."

In 1989, after Rowley went to work as an in-house attorney for Bell Helmets, Barkley briefly worked for a New Mexico labor lawyer named George Cherpelis.

She came back to San Diego the next year and briefly worked as a sole practitioner before joining the Riverside Superior Court staff as a research attorney in 1991. In that position, she did civil law-and-motion work and stood in for absent judges as a pro tem.

In 1999, Barkley became the court's first supervising probate attorney. Officials created the position to give better oversight to the proceedings involving estates in conservatorship cases. The new position came in the wake of a late-1990s scandal in which the owner of a private company hired by the court to handle conservatorships was convicted of looting the estates.

"[Barkley] is a great legal scholar, and she was extremely effective as a lawyer and now as a commissioner," said Judge Stephen D. Cunnison, who supervises the civil courthouse. "As [supervising probate attorney], she made a number of suggestions about changes to the court's calendar that allowed us to keep ahead of the work flow."

Barkley's first assignment after being appointed as a commissioner in 2003 was to the small claims and evictions calendar. She enjoyed small-claims cases, she said, because they often dealt with quirky legal issues she had never encountered before.

She said she slapped a man with damages for violating a "junk fax" statute that bars advertisers and others from sending unsolicited faxes.

Other unusual cases included pet owners who relied on a "lemon law" for animals after alleging a dog breeder gave them a sick pet.

Diego in 1985. She formed a partnership with an attorney named David S. Rowley, and the pair represented companies in patent-infringement cases.

One case the pair settled resulted in several Japanese companies being forced to stop marketing the same type of racing helmet manufactured by Bell Helmets, an American company.

"There's actually a lemon law for animals," Barkley said.

"I enjoyed small claims because I had a chance to do independent investigations in cases," Barkley said. "Sometimes, I'd go to Home Depot to figure out how tile was supposed to be set. Or I'd talk to experts about how a motor runs."

"The assignment was very fascinating," Barkley said attorneys appearing before her on her probate calendar should "be civil."

"You can make just about any argument before me, and I think most attorneys will say that I'm a good listener. ... I listen too much probably," Barkley said. "But I don't want to be yelled at."

She said she gets ruffled when an attorney "bullies" an opposing party who doesn't have a lawyer.

"A person has to be able to conduct himself or herself appropriately if they decide they're going to be a self-represented litigant," Barkley said. "But an attorney on the other side doesn't have to be harsh with the other party or raise their voice and yell at them."

Barkley, a former board member of Operation Safehouse, an assistance group for runaway teens in Riverside County, has two children: 7-year-old Noah and 9-year-old Claire. Her husband, John Barkley, works for a real estate development company.

Off the bench, Barkley said her time is wrapped up with her children's activities, like taekwon do matches and Girl Scout meetings.

"I try to kick back when I can," she said. "But my hobbies really are running [my kids] around."

Profile

Paulette Durand Barkley

Superior Court Commissioner
Riverside

Career highlights: Elected Superior Court commissioner by judges of Riverside County, 2003; supervising probate attorney, Riverside Superior Court, 1999-2003; research attorney, Riverside Superior Court, 1991-99; sole practitioner, 1990-91, associate, Law Offices of George Cherpelis, New Mexico, 1989-90; partner, Rowley, Durand & Wheeler-Medley, 1985-89, San Diego; associate, Lionel, Sawyer & Collins, Las Vegas, 1984

Law school: University of San Diego School of Law, 1984

Age: 47

Modbee.com

Ripon woman named to San Joaquin bench

BEE STAFF REPORTS

Gov. Schwarzenegger on Thursday appointed Charlotte J. Orcutt and Lauren P. Thomasson as judges in San Joaquin County Superior Court.

Orcutt, 39, of Ripon, has served as commissioner for the San Joaquin County Superior Court since 2003, handling traffic and misdemeanor arraignments. She was a deputy district attorney from 1994 to 2003.

Orcutt was in private civil litigation practice from 1991 to 1994. She earned a law degree from the University of San Diego and a bachelor's degree from San Diego State University.

She fills the vacancy created by the retirement of Judge James E. Hammerstone Jr. Orcutt is a Republican.

Thomasson, 44, of Stockton, has served as commissioner for the San Joaquin County Superior Court since 2003, handling traffic infractions, arraignments, sentencing and small claims. She was deputy city attorney for the Stockton city attorney's office from 1990 to 2003.

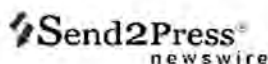
Thomasson earned a law degree from the University of Pittsburgh and a bachelor's degree from Carnegie Mellon University.

She fills the vacancy created by the retirement of Judge Robert Baysinger. Thomasson is not registered with a political party.

Annual compensation for these positions is \$149,160.

Posted on 07/29/05 00:00:00

<http://www.modbee.com/local/story/10986622p-11751509c.html>



From www.Send2Press.com

Books & Publishing

Principal Broker Online Appoints New Editor-in-Chief

Edited by Christopher Simmons

Fri, 22 Jul 2005, 07:10 EDT

New On-Line Magazine Dedicated to the Real Estate Industry, Appoints Security Guru

PORTLAND, Ore. - July 22 (SEND2PRESS NEWSWIRE) -- Principal Broker Online, a new and innovative on-line publication dedicated to the Real Estate industry, has appointed Darity Wesley, as their Editor-in-Chief. Ms. Wesley who is Chief Executive Officer and Legal Counsel of Privacy Solutions, Inc. is a 20 year veteran of the public record and real estate information industry.



www.Send2Press.com

Photo Caption: New on-Line magazine dedicated to the real estate industry, appoints security guru as editor.

An attorney, California real estate broker, and nationally sought after speaker, she is the founder of Privacy Solutions, Inc. a company which creates privacy, information security and data licensing options for industry, particularly focused on the public record and real estate industries.

Ms. Wesley served as Senior Vice President, Corporate Secretary and General Counsel to DataQuick Information Systems for twelve years. As general business counsel, Ms. Wesley was responsible for all transactional business for the company including all software, hardware and data licenses, a broad range of intellectual property matters, credit, collection, employee relations, privacy and consumer relations, Internet and e-commerce site development. She was also part of the team working with issues which surround access to public records and the struggle with the government, new technologies and the impact on people, commerce and the government itself.

As Principal Broker Online's 'due north' and guiding light, Ms. Wesley's responsibility will be to create, develop, manage and maintain the production of editorial content and strategy with the Editorial Staff. While also working closely with the Board of Directors and CEO on the direction of the magazine, Ms. Wesley will develop and organize the content of web products.

Asked about her new appointment to Editor-in-Chief of Principal Broker Online, Ms. Wesley said that she will continue with her present roles in business but with time devoted to Principal Broker Online, because she saw the Real Estate industry as being in transition. "It's evolving", she said "and people are no longer just buying a house anymore. I want to be able to add my wisdom of vision, so that there is a win-win for all".

Ms. Wesley prides herself on staying abreast of all new security laws, especially with regard to the Real Estate industry and will be attending the upcoming  Real Estate Connect conference in San Francisco, July 27-29, 2005. At this conference, she will  the importance and necessity for information security and the IT Policies and Procedures  for an organization to protect itself from potential liability as well as public relations etc.

Ms. Wesley did her undergraduate work at San Diego State University and earned her Juris Doctorate from the University of San Diego School of Law.

More information: www.principalbrokeronline.com

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Legal Times

July 18, 2005

SECTION: LEGAL BUSINESS**LENGTH:** 1095 words**HEADLINE:** On the Move;
Legal Business**BODY:****ALSTON & BIRD**

Alston & Bird announces two additions.

Dimitri Nionakis, 39, joins as a partner in the litigation and trial group and the securities litigation group. He was most recently a partner at Howrey. He received his J.D. from Case Western Reserve University School of Law.

Peggy Whitmore, 41, joins as counsel in the health care group. She was most recently senior counsel at the Office of the Inspector General in the Department of Health and Human Services. She received her J.D. from the University of Pennsylvania Law School.

BERNABEI & KATZ

Ari Wilkenfeld has been promoted to partner at Bernabei & Katz. Wilkenfeld, 34, specializes in general employment discrimination cases and restrictive employment covenants. He was previously an associate at the firm. He earned his J.D. from the University of Pennsylvania Law School.

BUCKLEY KOLAR

T. Lane Macalester, 48, has joined Buckley Kolar as counsel. Macalester, who focuses on insurance, technology, and health care law, was formerly senior vice president and general counsel of RxHub. She graduated from Washington University-St. Louis School of Law.

CLIFFORD CHANCE

Paul Frontczak, 34, has rejoined Clifford Chance as counsel in the antitrust practice. Most recently, he was a lead attorney for the Federal Trade Commission. He received his J.D. from Albany Law School of Union University.

COZEN O'CONNOR

Cozen O'Connor has added three attorneys from Dilworth Paxson.

Ralph De Martino, 50, has joined as a partner and vice chair of the firm's securities offerings and regulations practice group. He focuses on corporate finance and securities as well as representing public reporting companies, broker-dealers,

limited partnerships, investment companies, and investment advisers in regulatory, compliance, and litigation matters. He was previously a partner and chair of the securities practice group at Dilworth Paxson. He received his J.D. from George Washington University Law School.

F. Alec Orudjev, 31, has joined as an associate in the business law department. He was previously an associate at Dilworth Paxson. He focuses on federal securities and corporate law, mergers and acquisitions, and exchange listing matters. He received his J.D. from Syracuse University College of Law and his LL.M. from Georgetown University Law Center.

Jeffrey Rosen, 59, has joined as an of counsel in the business law department. He was previously a partner at Dilworth Paxson. He concentrates on commodities and securities regulation, litigation, and enforcement defense. He received his J.D. from Columbia University Law School.

DRINKER BIDDLE & REATH

Mercedes Meyer has joined Drinker Biddle & Reath as a partner in the intellectual property practice group. She specializes in patent prosecution, patent estate development and strategy, and biotechnology issues. She was previously a partner in the biotech and interference practices at Burns, Doane, Swecker & Mathis [now Buchanan Ingersoll]. Meyer, 39, graduated from the University of Houston Law Center.

KELLEY DRYE & WARREN

Kelley Drye & Warren has elected a new partner and special counsel. Both attorneys were previously associates with the firm and are members of the corporate practice in the firm's D.C. office.

Neil O'Donnell, 35, a partner, received his J.D. from the University of North Carolina School of Law.

Troy Reynolds, 37, special counsel, received his J.D. from the University of Kentucky College of Law.

KRIEGER & ZAID

Neal Puckett, 50, has joined Krieger & Zaid as an of counsel. He was previously a solo practitioner in Alexandria, Va. He received his J.D. from Indiana University School of Law at Bloomington and his LL.M. in criminal law from the University of San Diego School of Law.

KRUPIN O'BRIEN

H. Tor Christensen, 32, has joined Krupin O'Brien as an associate focusing on labor and employment law. He was previously an associate at Akin Gump Strauss Hauer & Feld in New York. He earned his J.D. from New York University School of Law.

LATHAM & WATKINS

Douglas Greenburg, 39, has joined Latham & Watkins' D.C. office as a partner in the litigation department. He specializes in internal corporate investigations, representing clients in SEC investigations and enforcement actions, white-collar criminal defense, and business litigation. Greenburg was most recently a partner at Winston & Strawn, and from 2003-2004, he served as a counsel for the National Commission on Terrorist Attacks Upon the United States, where he investigated the financing of al Qaeda and the 9/11 terrorist attacks and the effectiveness of U.S. efforts to identify and disrupt terrorist financing. He graduated from the University of Chicago Law School.

MORGAN & FINNEGAN

Kent Stevens, 46, has joined Morgan & Finnegan as a partner specializing in Section 337 intellectual property litigation before the United States International Trade Commission. He was previously a solo practitioner in D.C. He received his J.D. from Drake University Law School and his LL.M. in international and comparative law from Georgetown University Law Center.

PAUL, HASTINGS, JANOFSKY & WALKER

Peter Saba has joined as an of counsel in the global projects group in the corporate department at Paul, Hastings, Janofsky & Walker. Saba, 44, was previously chief operating officer and general counsel of the Export-Import Bank of the United States. He specializes in international infrastructure project development and finance and international trade,

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Today | This Week

Quarles & Brady attorney picked to work on Mesa financial future

Jul. 28, 2005 12:00 AM

LaShawn Jenkins, an associate with **Quarles & Brady Streich Lang**, has been appointed to the Mesa Citizens Bond Committee. Committee members will review Mesa's capital improvement needs from 2006 to 2010 and make recommendations to the City Council regarding a bond-funding program to propose to Mesa voters in 2006. Jenkins practices in bankruptcy and creditor's rights.

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Emily J. Auckland has joined Gust Rosenfeld as an associate. She will practice in real estate and environmental law. Auckland received her bachelor's degree in 1988 and her law degree in 1993, both from the University of Michigan.

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Lewis Brisbois Bisgaard & Smith has two new partners. **Greg Como**, who received his J.D. from Arizona State University in 1990, focuses on representing insurance companies in coverage and bad faith litigation, contractors in construction litigation, and manufacturers in product liability litigation. **Stephen D. Hoffman**, who received his J.D. from the University of San Diego in 1991, focuses on insurance defense, construction defect, commercial products liability and personal injury and wrongful death litigation.

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Meagher & Gerr of Phoenix has hired **Gary L. Lassen**, formerly of **Jennings, Strouss & Salmon**, as of counsel. He will continue his practice in commercial litigation, employment law, education and municipal law. Lassen received his J.D. from Baylor College of Law in 1977. He also holds a Ph.D. and M.A. in psychology from the University of Arizona. His bachelor's degree is from Stanford University.

James M. Marovich, formerly of **Jennings, Strouss & Salmon**, joins as an associate and will practice in the commercial litigation, employment, education and health care groups. Marovich received his J.D. from University of Arizona in 2001. He has an MBA from the University of Florida and a bachelor's degree from Indiana University.

Lara E. Goldfarb, formerly with **Butler Pappas** of Miami, joins as an associate and will practice in the insurance coverage group. Goldfarb received a J.D. from the University of Miami in 2000 and hold a bachelor's degree from the University of Miami.

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School of Leadership and Education Studies

PROFESSIONAL DEVELOPMENT: Leverage for Learning

Educators See Classroom Visits as Powerful Learning Tool

In 'walkthroughs,' focus is on students, rather than on their teachers' practices

BY JEFF ARCHER
New Orleans

Donna Berggren, the principal at Chateau Estates Elementary School, used to think she knew what to look for in a good classroom: A teacher who artfully employed activities that held students' attention, while keeping them under control.

Now, she sees things differently. Instead of focusing on what teachers are doing when she goes into their rooms, she asks herself what the children are learning. The subtle shift has transformed her view of effective instruction.

"It was like this light bulb went off," said Ms. Berggren, whose school is in the 50,000-student Jefferson Parish system outside New Orleans. "It allows you to go past that first layer, to what is the teacher enabling the student to do."

Her district is one of seven in Louisiana that are seeking to make principals better observers of teaching with a technique called "walkthroughs." Administrators in each system are being trained to coach school leaders on what to look for, and how to use what they see to plan professional development in their schools.

The year-old effort is organized by the School Leadership Center Greater New Orleans, an inde-

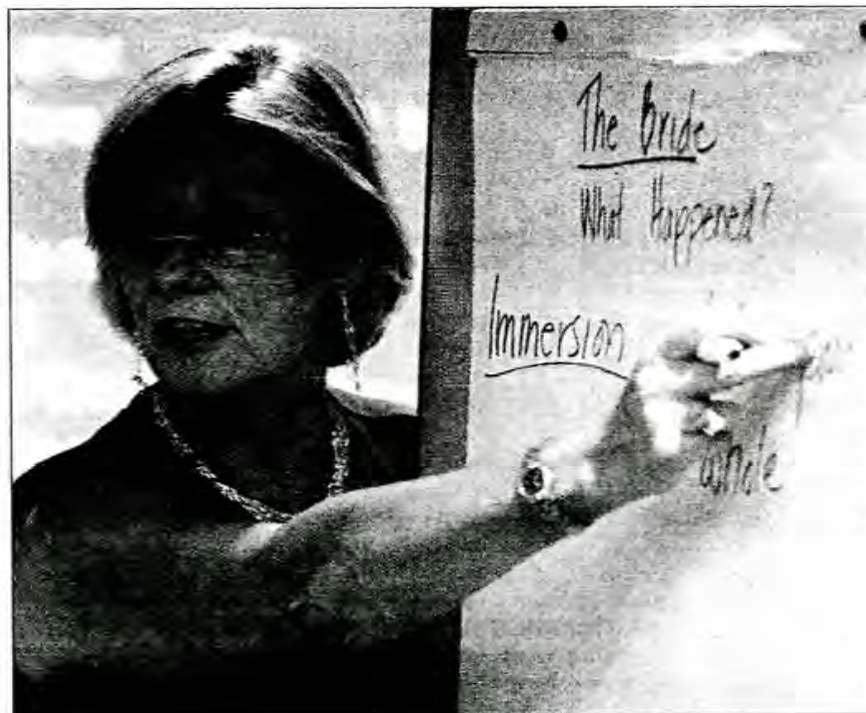
pendent group founded in 1998 to run an executive-training program for principals in local districts. A \$1.4 million grant from the U.S. Department of Education mostly underwrites the walkthrough initiative.

The Factory Floor

The Louisiana districts are hardly alone in making new use of classroom visits. Such observations have become an almost ubiquitous tool among school systems trying to raise the level of instruction. But the term is being applied to so many different practices, some worry, that it risks becoming meaningless.

Experts caution that done wrong, walkthroughs lose much of their value. Worse yet, they can spark mistrust among the teachers they're meant to help. In a sign of how controversial they can be, walkthroughs are banned under a new teachers' union pact in the 720,000-student Los Angeles Unified School District.

Ann Van Sickle, the lead trainer for the Louisiana project, argues that walkthroughs work best as a tool for analyzing what's working in the classroom, and what isn't. Then, she adds, principals must use that information to determine the supports their teachers need to



Ann Van Sickle of the University of San Diego, an expert on instructional "walkthroughs," makes a point during a training session held last month at the University of New Orleans. Educators say that classroom visits focusing on what students are learning provide a powerful learning tool for teachers.

Dylan Sangle for Education Week

get better results from students.

"A walkthrough is a waste of time unless you use that to inform your leadership practice," said Ms. Van Sickle, whose day job is to direct a program at the University of San Diego that trains principals for the San Diego district. "It has to change what you do."

The best-known pioneer of the practice was Community School District 2, part of the New York City school system until its recent reorganization. Under District 2 superintendents Anthony J. Alvarado and Elaine Fink, walk-

throughs became a routine for the district's principals, teachers, and central-office leaders, starting in the 1980s.

Unlike traditional observations for job reviews that assess whether teachers are doing the right things, District 2 looked to see what students were getting out of the instruction.

Ms. Fink, now retired, compares the practice to a corporate leader's visit to the factory floor to figure out how to raise production.

"It's about why kids aren't getting what they need," she said in a recent interview. "And the

only way to know that is to get into the classroom."

Before she retired, Ms. Fink and Mr. Alvarado took the practice to San Diego, where he served as the chancellor of instruction for the 140,000-student California district for four years, and where she started the training program that Ms. Van Sickle now heads.

The Louisiana effort began when Ms. Fink and Mr. Alvarado were invited by the New Orleans-based leadership center to come to this state to demonstrate the

Continued on Page 24

Walkthroughs' Gain Favor as Tool for Improving Practice

Continued from Page 22

technique. Principals who volunteered their schools for those initial visits found it an eye-opening, and often humbling, experience.

In hallway conversations after each 15-minute observation, Ms. Fink peppered the school leaders with questions: What can students do as a result of what you just saw? What makes you say that? How did the instruction impart meaning to the students?

Many principals found themselves stumped. Cindy Hoyle, the principal at Belle Chasse Primary School, said the exercise differed greatly from how she had been doing classroom visits.

"We had these lists of things to look for," said Ms. Hoyle, whose school is in the 4,800-student Plaquemines Parish district. "And these teachers were doing everything on these lists, but the most important part was missing."

Finding Patterns

Veteran practitioners of walkthroughs don't blame principals for not knowing how to analyze instruction. Traditionally, the skill hasn't been the focus of their training. As a result, both District 2 and San Diego overhauled their professional development for school and district leaders to concentrate on how students learn.

With that knowledge, said Ms. Van Sickle, principals can use walkthroughs to identify areas in need of improvement. The answer might involve sending a teacher to observe a colleague. Or it might mean having all the

teachers in a school study a specific skill, like how to identify an author's point of view.

"As a principal, I no longer send my teachers away for professional development," Ms. Van Sickle said. "My job is to design what I know my teachers need to support the kids."

Ms. Berggren, the principal at Chateau Estates Elementary, said the walkthroughs that she began doing last year are particularly helpful in guiding a veteran staff in a school with a changing student population. With about 740 students, her school has gone from majority white to majority minority over the past decade.

"A lot of the teachers had set mind-sets about how good and effective they were," she said.

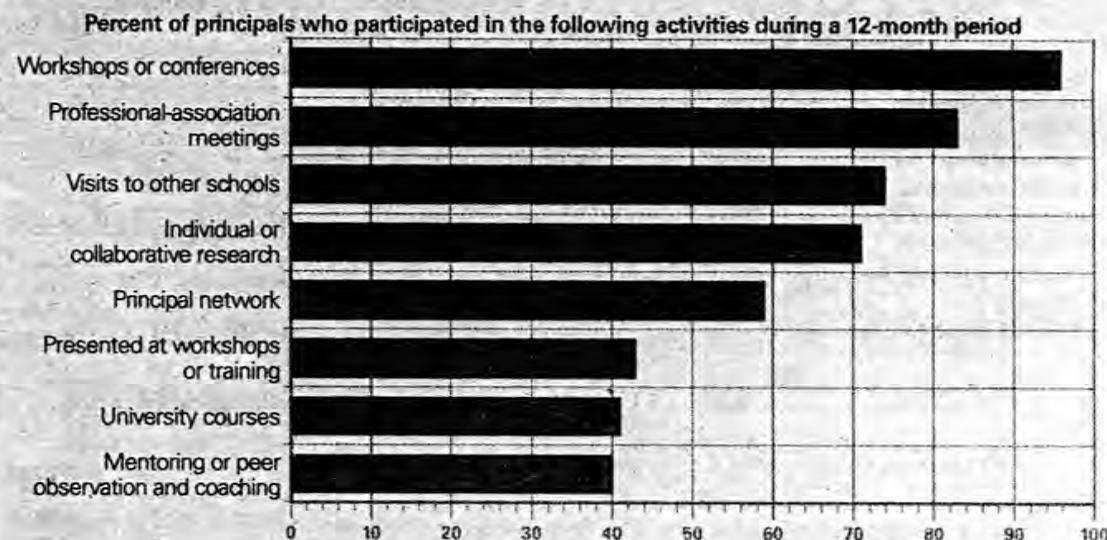
Her goal has been to visit three classrooms a day for five to 10 minutes each. Ms. Berggren makes a point of asking students in each room why they're doing whatever activity they're engaged in. Early on, many replied that it was simply because their teachers had told them to, or that they didn't know.

Before long, the principal began to see patterns. Vocabulary lessons often entailed having students look up and copy definitions. In response, she urged teachers to discuss new words with students so they could relate them to things that they already knew. She showed how in a model lesson.

Ms. Berggren also saw the teaching of measurement as lacking. Many teachers taught the concept mostly by lecturing, rather than giving students measuring devices to use. She recalls

Principals' Learning Opportunities

Principals engage in a range of professional-development activities aimed at improving teaching and learning in their schools, but traditional forms of training like workshops are predominant.



SOURCE: Education Week Research Center analysis of U.S. Department of Education, National Center for Education Statistics, Schools and Staffing Survey, Public School Principal Questionnaire, 1999-2000

one teacher talking about time to a group of students without having them handle clocks.

"I never made the teacher feel like, 'You did it wrong,'" said Ms. Berggren. "It was, 'You used this approach; let's see if we can tweak it a little bit.'"

Perceptions Critical

Many proponents of walkthroughs agree that teachers' perceptions are crucial. Although larger disputes were at issue when the practice was prohibited in Los Angeles this year, walkthroughs can easily become a problem, said Lauren B. Resnick,

the director of the Institute for Learning at the University of Pittsburgh.

The institute, which had provided the training on walkthroughs in Los Angeles, argues that school and district leaders must cultivate a climate in which educators can solve problems together. That takes trust, and a common understanding about instruction, Ms. Resnick said.

"To try to take this practice of walking through classrooms into a school that has none of that kind of community learning has a nearly 100 percent chance of blowing up in your face," she said.

Ms. Resnick's group has trade-

marked its process—"Learning-Walks"—to make the point that the purpose is professional growth, not job evaluation. The group advocates that teachers go on the observations themselves.

Another critical ingredient is time, Ms. Van Sickle added. At a training session here last month for the Louisiana districts, she was asked how long it took educators in San Diego to make the shift in their thinking about instruction.

"It's still a work in progress," Ms. Van Sickle answered. "What I do know is that there is different practice than there was seven years ago."

Tomorrow's leaders are in school today. Visit our *Education Facts*, *Education Issues*, *Hot Topics*, and *Have a Voice in Education (H.A.V.E.)* subsections by clicking on the tabs to your left.

An Update on the Keiller Leadership Academy

By MARSHA SUTTON
Voice Education Writer
Monday, July 18, 2005

Staff and students at Keiller Leadership Academy have been busy since July 1, the day the school officially became a charter school. Formerly Keiller Middle School, KLA was granted charter status by the San Diego Unified School District's Board of Education at a contentious board meeting on March 1.

Twenty-five KLA students are currently participating in a pilot summer program that teaches academic and leadership skills. The program is designed and taught by Keiller staff and by professors and graduate students from the University of San Diego, which is partnering with Keiller as it restructures as a new California charter school.

On July 9, a group of 40 community volunteers joined Keiller staff and students for the first "Friends of Keiller" day, and spent four hours working together on campus beautification projects.

On July 11, Patricia Ladd, executive director of KLA, hosted the first community meeting. Another community meeting is scheduled for Aug. 10 from 6 to 7:30 p.m. The community meetings focus on the school's vision and culture of work and learning, academic programs, staff recruitment updates, student recruitment update and registration procedures, school calendar and hours, before- and after-school programs, the partnership with the University of San Diego, school uniforms (colors, styles and purchasing information), electives and upcoming events leading to opening day on Sept. 6.

"Staff, parents and students are working together this summer as we prepare to open our doors on Sept. 6 to an incredible group of children," Ladd said. "The school is the result of hard work and perseverance by dedicated adults who always put children's needs above all else. The mission of Keiller Leadership Academy is to create student leaders who value quality education and embrace their role as contributing members of our community."

Keiller is open for student registration every weekday this summer between 8 a.m. and 3 p.m. Informational packets are available, and parents and their students can make an appointment with a school counselor for an individual orientation meeting.

Special events, including campus tours, are planned, by grade levels, for families and students entering Keiller Leadership Academy in the fall. The dates and times are as follows, with a light dinner provided:

- Aug. 22 -- Sixth Grade -- 6 - 7:30 p.m.
- Aug. 23 -- Seventh Grade -- 6 - 7:30 p.m.
- Aug. 24 -- Eighth Grade -- 6 - 7:30 p.m.

Please contact Marsha Sutton directly at marsha.sutton@voiceofsandiego.org with your thoughts, ideas, personal stories or tips.

Would you care to voice your thoughts about K-12 education in San Diego?

Get the latest news and opinions delivered to your Inbox every day. Sign up for our free e-mail newsletter.

School of Nursing

JUL - - 2005

Hometown Hero:

Like the Energizer Bunny This Professor Just Keeps On Going

By Liz Swain

SPECIAL TO SENIOR LIFE

Ann Taylor can't stay away from school or helping others. This 50-something gogetter is working on her doctorate in nursing at the University of San Diego. She earned a master's degree in nursing from USD in 1995 and works fulltime as a nursing professor at Southwestern Community College. Volunteer activities include service at Casa Hogar Las Memorias, an HIV/AIDS hospice in Tijuana. She does that as an associate with the Servants of the Eleventh Hour order. Taylor also travels to Tijuana to volunteer with nurses at the San Eugenio Clinic.

This spring, she received USD's 2005 Bishop Charles Francis Buddy Humanitarian Award. The tribute named for the late Catholic bishop recognizes USD alums who make "significant or extraordinary contributions to humanitarian causes." Taylor's award salutes a lifetime of leadership and service to the sick and suffering.

"I couldn't believe it," she says of being honored. Taylor is pleased that the award

brings more awareness of the needs of people in Tijuana. For this native of Halifax, Nova Scotia, caring for others is both a career and a calling.

"I always get involved; I had my work life, my family life and my volunteer life," says Taylor, the daughter of two doctors. She chose to go into nursing and came to California for employment opportunities. As a nurse, Taylor thought that seeing patients for a short time was "a good fit." Then she became an oncology nurse and "discovered" I liked longterm relationships.

Her résumé includes work as assistant coordinator for the National Marrow Donor Program in San Diego and a legislative analyst for the American Cancer Society.

Interest in alternate therapy led Taylor to study healing touch therapy. This treatment focuses on energy and is used in situations ranging from headaches to hospice care. Taylor is a practitioner and teaches this complementary procedure at Southwestern College.

Taylor's service activities parallel stages of her life. As the mother of three



sons, she volunteered with child-related groups like Little League and the PTA. She also served as a Eucharistic minister, a volunteer who takes communion to Catholic hospital patients. Volunteering took a different direction when Taylor read an announcement in her church bul-

letin. She belongs to Our Mother of Confidence Parish in University City, and the notice asked parishioners to donate sheets. Taylor followed up, and learned the sheets were for the Tijuana AIDS hospice. When patients die, they're wrapped

Continued on page 26

San Diego Clipping Inc.
Senior Life/SD

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Hometown Hero ...

Continued from page 25
in the sheets, she says.

The hospice is associated with Mother Antonia Brenner, a septuagenarian living voluntarily in Tijuana's La Mesa State Penitentiary. She moved to the prison 28 years ago to care for prisoners and their families. She also formed a religious order to help with that work, Servants of the 11th Hour. The order is so named because members are older than those usually accepted by religious orders.

Mother Antonia and her work are the subjects of a new book, *Prison Angel*, by Mary Jordan and Kevin Sullivan. Taylor discovered Mother Antonia when she began volunteering at the hospice five years ago. The nurse became an associate of the order and serves as a lay person, one who does not take all the vows that a sister does. Associates renew their commitments annually.

At the hospice, Taylor may do healing touch therapy. She and other team members may bring food, birthday cakes or items like soap. However, emphasis is often on the personal connection. "We mainly visit," she says.

Taylor shares her professional expertise at San Eugenio Clinic, a facility located near Casa Hogar Las Memorias. She notes that USD nursing students go to the clinic every three months. Volunteers frequently see several hundred people. The nurses check patients' blood pressure and discuss nutrition and conditions like asthma and diabetes.

Schoolwork has caused some changes in Taylor's schedule. She used to go weekly to the hospice, but she's had to concentrate on her dissertation. She's writing about alternate therapy and not sure how she'll celebrate when the dissertation is finished. But celebrate she will.

Asked why she decided to earn a doctorate, Taylor says, "I just like school so I kept going."

Even so, how does someone balance a schedule dedicated to work, school, family and service? Taylor's solution is to unwind by doing aerobics or boogie boarding. While the latter may seem an unusual hobby for someone raised in the Canadian northeast, she says it's in her blood it's in her blood. Taylor's mother Jeanne came from Hawaii. Her father William came from Scotland. She was a general doctor; he was a pathologist.

Their examples set the stage for a healthcare professional who continues to reach out to others as a volunteer.

"If you're a nurse, you're born for it," Taylor says. She adds that service enriches the volunteer. "When we go to Mexico, they think we come for them. You start out trying to help others, but realize you do it for yourself."



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www.sandiego.edu/academics/nursing

USD faculty nurse scientists research health care justice

Advertising Supplement to The San Diego Union-Tribune

SALUTE TO NURSES | Wednesday, July 13, 2005

With an eye toward globally impacting the health of incarcerated women and their families, professors **Diane Hatton, Anastasia Fisher, Susan Instone** and **Mary-Rose Mueller** presented a symposium at the 2005 International Nursing Research Conference in Belfast, Northern Ireland, sponsored by the Royal College of Nursing. They also presented their work at the European Institute of Health and Medical Sciences at the University of Surrey, Guildford, in the United Kingdom. Their presentations included a symposium on Participatory Research Involving Incarcerated Women, a seminar on the Health of Women Prisoners, and a workshop on Co-Occurring Disorders and Incarceration of Women in the U.S. and the Republic of Ireland.

Increasing quality of nursing care for HIV patients

Nursing professor, **Linda Robinson, Ph.D., R.N.** dedicates herself to improving nursing care for patients with HIV infection. Robinson is studying the role of San Diego Palliative Home Health nurses in assisting patients with their complex treatment regimens. As AIDS patients live longer, medical insurers are reluctant to absorb the expense of extended hospital stays and home care. Robinson hopes to effect change in health care policy and demonstrate that home care is not only beneficial to patients but also cost-effective.

Improving interventions for women, children

Cynthia D. Connelly, Ph.D., R.N., C.S. works on several NIH-funded interdisciplinary studies of domestic partner violence. Connelly's research projects examine its physical and mental health effects, negative consequences for children, response from the criminal justice system, and programs to prevent domestic violence.

Connelly is also an investigator on several applied research studies relating to maternal and child health outcomes: Partnership for Women's Health; Early Stress and Child Welfare Involvement; Women's Freedom from Exploitation and Trafficked Youths; and Youth Injury Prevention. Research findings were presented at the 15th



Professors Mueller, Hatton, Fisher and Instone (left to right) in Ireland.

International Nursing Research Congress in Dublin, Ireland; the 13th International Nursing Conference of the Nursing Network on Violence Against Women International in Boston, Massachusetts; and will be presented at Childhoods 2005-Oslo, Norway, Children and Youth Emerging and Transforming Societies International Conference.

Assuring ethical treatment of research subjects

For the past three years, **Professors Mary Rose Mueller and Susan Instone** have been conducting NIH-supported research on "informed consent," a process the federal government required when it passed the National Research Act in 1974. This law stipulates that specific information and guidelines be followed when human subjects are used in research. Mueller and Instone have explored the work activities and understandings of physicians, nurses, administrative staff and patients in the informed consent process. Their findings will clarify health care professionals' understanding of informed consent and contribute to the ethical treatment of human research subjects.

To learn more about USD's Hahn School of Nursing and Health Science, please call (619) 260 4548 or go to www.sandiego.edu/academic/nursing.

Other

FRIDAY, JUL 8 - DISCUSSION

CITY OF SAN DIEGO MAYORAL DEBATE

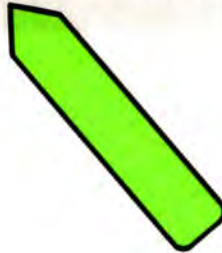
Join us for a debate between City of San Diego mayoral candidates who will be discussing their platforms and their vision for the future of the City of San Diego. Candidates participating in the debate: Steve Francis, Donna Frye, Richard Ryder, Jerry Sanders, Pat Shea and Myke Shelby. **Organization:** San Diego Regional Chamber of Commerce
Information: (619) 544-1382 info@sdchamber.org **Cost:** \$25.00- \$40.00 **When:** Starts: 11:00 AM **Where:** University of San Diego, 5998 Alcala Park-Shirley Theater, Camino Hall, San Diego, 92110, Venue Phone - (619) 260-2256



July 2005 • SENIOR LIFE SAN DIEGO

Mon., July 11

The University of the Third Age Presentation. A three week life long learning program designed for those 55+. Includes tai chi classes, language lessons, computer workshop and other presentations and seminars. University of San Diego. Times vary \$100 (619) 260-4585.



San Diego Clipping
SD City Beat

JUL 27 2005

TWO SIDES TO THE STORY

Hope Valley's north end is the turf of choice, with its trendy people and its trendier homes. Not so on the south side, where people are so poor that they have to lick everybody else's fingers when they go to KFC. The two worlds are about to collide—and that can't be all good—in San Diego TheatreSports' *Soap Scum: A Fully Improvised Soap Opera*, which opens **Saturday, July 30**, at the Shiley Theatre on the University of San Diego campus, 5998 Alcalá Park. News flash: *General Hospital* stars Adrienne Leon and Ignacio Serricchio will perform that night, which is pretty cool. From then on, the show runs every Friday in August at The Fun House, 6822 El Cajon Blvd. \$18-\$50. 619-465-SHOW. Proceeds go to San Diego TheatreSports and its youth league.

THEATER



Studying up on her faith

Catholic college helps a young woman sustain values

EDUCATION: Catholic university helps a young Hispanic woman sustain her family values.

09:12 PM PDT on Saturday, July 23, 2005

By BETTYE WELLS MILLER / The Press-Enterprise

Some lessons Sofia Santos learned while growing up in a devout Catholic family will last a lifetime:

Don't skip Mass.

Everyone has a cross to bear.

Remember Job, the Old Testament prophet who lost everything but remained faithful to God.

God is always present.

Those lessons, and others, helped her survive her first year at the University of San Diego, said Santos, 20, of Palm Desert. She is a sophomore at the Catholic college who spent the spring semester studying in France.

"Freshman year was very hard," she said.

She missed her family. Her roommate partied every weekend.

She relied on a lifetime of Catholic teaching, her mother's wisdom and her faith in God.

"Even though I can't see God, I know he's always with me," she said. "He's my invisible friend."

Although some friends are tempted by drugs, alcohol and sex, Santos said she clings to the moral code of her church and her family.

"I didn't grow up in that environment," she says of the temptations around her. "If I do certain things, I won't be able to serve in the church."

Santos, a former altar server, is the oldest of three sisters. She grew up in a Spanish-speaking home, speaks French in addition to English, and is interested in a career in international business.

She is active in the USD church and is a Eucharistic minister at Sacred Heart Catholic Church in Palm Desert, serving Communion and reading lessons from the Bible.

She starts every day with a prayer: "Please take care of me and my family."



William Wilson Lewis III / The Press-Enterprise
"Even though I can't see God, I know he's always with me. He's my invisible friend," says Sofia Santos.

Related

Growing devotions

Catholic diocese grows deep and wide

Studying up on her faith

A monumental loss

By John Wilkens
STAFF WRITER

A century ago, on a slightly overcast Friday morning, San Diego was visited for the first time by catastrophe. A Navy gunboat, the Bennington, blew up in the bay, and 65 sailors were killed.

The city had known death before, of course, but it was a stranger to the kind of disaster that makes national headlines and alters a community's physical and emotional landscapes.

Today, the Bennington is the stranger. Not many people know its story, or how, amid the horror and the suffering, a bond was formed, helping San Diego become a Navy town.

A few years after the explosion, a 60-foot-tall granite obelisk was built on Point Loma to honor the fallen, at what later became Fort Rosecrans National

Cemetery. The monument was a city landmark then, discernible for miles and featured on postcards.

But it, too, has been obscured by time and all that has grown up around it. You have to look for it now.

This Thursday marks the 100th anniversary of the Bennington explosion. Some local veterans have organized a ceremony at the monument, where 35 of the dead rest beneath simple white headstones marked with individual names and a shared identifier: "U.S. Navy."

At 10:38 a.m., the exact time when the Bennington's boilers exploded, there will be a moment of silence. Then the names will be read, speeches made, and for a while, anyway, people will remember.

"Never let it be said that we failed to do the obvious and recognize the souls lost on the Bennington,"



Thirty-five of the Bennington's dead are buried near a large obelisk at Fort Rosecrans National Cemetery.

Nadia Borowski Scott / Union-Tribune

SEE Bennington, E4

► BENNINGTON

CONTINUED FROM PAGE E1

Boiler exploded on Navy gunboat on July 21, 1905

said Ed Coffey, who is coordinating the ceremony.

Up the coast, at the private Santa Catalina prep school in Monterey, a historian named Broeck Oder will be looking at his watch for the exact moment, too. He grew up in San Diego hearing tales of the Bennington from his father, a Navy hospital corpsman, and when he went to the University of San Diego, he did his master's thesis on the event and its aftermath.

"Proportionally, Bennington is still the worst disaster in San Diego history, because we're talking about 65 deaths in a town with about 20,000 people," he said.

"If a proportionally similar accident struck San Diego today, God forbid, the death toll would be approximately 4,000 people, greater than the number of souls lost in the World Trade Center on Sept. 11."

Oder said when he encounters people who know about the Bennington, they tend to remember certain myths — that the explosion was caused by drunken sailors, for example. He

thinks that's unfortunate.

So even though work commitments will keep him from attending Thursday's ceremony, he's glad it's happening.

"For some years, I've thought that just a few of us historians might be the only ones who knew the centennial of the disaster was approaching, so I am happy beyond expression that Bennington's men are now being remembered and honored in the city which so embraced them."

• • •

The Bennington, named after a Vermont town where a key Revolutionary War battle was fought, was a familiar sight to San Diegans by 1905.

Commissioned in 1891, the 230-foot-long steel patrol boat made regular visits here as part of a fledgling courtship between the Navy and San Diego.

The military wanted a stronger presence in the Pacific and saw the city with its protected harbor as an ideal place for support bases and training exercises. City leaders saw commercial possibilities.

For local residents, the visitors were often a source of entertainment. They marched in parades and put on impressive shows with their ships' searchlights. But they weren't really considered San Diegans.

"It is important to remember that in 1905, Navy personnel, unlike today, were not always seen as valuable mem-

bers of the community, as friends and neighbors," Oder said.

That changed on July 21. The Bennington was anchored about 100 yards off the waterfront near what is now Seaport Village. It had just arrived from Hawaii and was preparing to head up the coast to help another Navy ship that had broken down.

Coal was thrown into the furnaces. The commander was gathering supplies on shore. The decks had been scrubbed.

What happened next was described in the following day's *San Diego Union* as "the most terrible accident that has ever happened in Southern California."

One of the boilers exploded — later investigations blamed poor construction and maintenance — and shot into a second boiler, which also exploded. Scalding steam surged through the ship.

People on shore reported hearing the blasts and seeing men tossed 30 feet into the air. Sailors tore at their uniforms and jumped overboard to escape the heat. Flames spread toward compartments where ammunition was stored. Water poured into a hole blown in the starboard side.

Crew members responded with the kind of heroism that brought 11 of them the Medal of Honor. One, Lynn Gauthier, went down through the steam to cut free the anchor so a tug could push the Bennington onto a mud bank, preventing its sinking. He died the next day from steam inhalation.

San Diegans rushed to the ship's aid. Some in row boats pulled sailors from the sea. Others helped ferry the injured to hospitals. "Strong men wept when they heard the pitiful cries of the wounded or saw their terrible plight," the *Union* reported.

Residents donated blankets, cots, books, fruit, ice cream. Others volunteered as nurses or entertained the injured by reading stories and playing music. Oder said the town essentially shut down for a week. Events were canceled or postponed, flags flew at half-staff, and clergymen talked about the Bennington during their Sunday sermons.

"We did not know any of these men," W.B. Henson, a Baptist minister, said at one of the services, according to the *Union*. "We are all one, down beneath the surface."

• • •

Although the death toll would eventually reach 65, on the day of the public funeral, two days after the explosion, there were 47 coffins. Officials didn't have enough flags to drape the black-stained boxes, so the call went out for people to donate theirs.

The caskets were loaded onto horse-drawn, flower-filled wagons. It took four hours to make the trek from downtown, around the bay and up Point Loma to the Army's burial

SEE Bennington, E5

San Diego Chicanos and Chicanas opine on the city's political crisis and Mayor Murphy

(Editor's Note: Mayor Dick Murphy's last day in office is July 15, after which a special election will be held. In response to Mayor Murphy's stepping down our reporters asked Hispanic residents of San Diego their opinion of Murphy and of the special election. The following are their responses.)

By Ricardo Raúl y Daniel Alberto Pozos y Garay

It seems like everyone these days has had his or her say regarding the City of San Diego's financial and electoral crises. Last year, national news headlines dubbed San Diego "Enron by the Sea" for its swelling pension deficit, federal investigations into its retirement system and subsequent allegations of illegal accounting and public corruption. Last April, top-selling news magazine "Time", dubbed mayor Dick Murphy, along with Detroit and Philadelphia mayors, as one of the current three worst big-city mayors in the United States.

The City of San Diego's Chicano/a community, the city's largest ethnic minority, accounting for approximately 25.4% of the city's population, as a whole has remained uncannily silent or perhaps unquestioned regarding the city's mayoral and financial crises, until now.

Amateur boxer and entrepreneur, José Flores is representative of many Chicanos/as as was excited about Juan Vargas being among the mayoral hopefuls. "I really think that Juan Vargas is a model politician, one that truly represents the voice of our community", said Flores. "However, Vargas did vote for the initial pension under-funding in 1996 and a lot of



Nicolas Vega

people are saying that didn't help his candidacy but then again, Donna Frye also voted the same way in 1996 and no one seems to hold that against her".

Nicolas Vega M.A., a local historian and researcher voiced his discontent with city politics but was thankful nonetheless of City Attorney Michael Aguirre's assiduous query of Murphy's motives. "I can't say I'm too surprised about the all the news—said Vega—I mean, people far and wide for the past few years have made allegations of corruption downtown and have singled out Murphy the whole time. So this is nothing new but the fact that high-ranking politicians are being held accountable is something real new in this town. I was really anxious to hear Aguirre's findings. I really commend Aguirre's hard work but especially his intrepidity".

San Diego City Attorney Michael Aguirre's highly anticipated 91-page report corroborated allegations of

(see Murphy, page 7)

Murphy

(con't from page 1)

wrongful conduct concluding that there is "substantial evidence" Murphy and the City Council, beginning in early 2002, committed civil violations of federal securities laws by concealing important facts about the city's ailing pension system from the public and from investors in more than two billion dollars in city bonds. The public disclosure of these facts is quite a departure from the same ol' closed-door wheeling and dealing that San Diegans have come to expect from city politicians.

Freelance reporter and public relations employee Zulema Lailson was taken aback by Mayor Dick Murphy's stolid stance amid the allegations. Nonetheless Lailson commends the mayor for stepping down. "Through it all, Murphy showed himself extremely overconfident, if not out right blasé and indifferent; flicking the blame off himself and onto the previous city attorney and outside securities experts—even the national journals he dismissed as 'ignorant'", said Lailson. "But I knew it was only a matter of time before the perennial voices of doom would take their toll and finally break the questionable mayor. His resignation is probably the first 'right' thing he's done in a long while".

Severely daunted and fearful of a potential recall movement, Murphy announced his abdication effective July 15 and a special election to supersede him on July 26. A majority winner, with more than 50 percent of the vote, would serve out the duration of Murphy's term, which expires in December 2008.

Current USD student and certified public accountant Alejandro Galindo never thought the mayor would ever step down or that County Supervisor Roberts would drop out of the mayor's race. "County Supervisor Ron Roberts has maintained all along that Murphy has consistently lied and mishandled city funds", said Galindo. "Roberts should feel vindicated by Murphy's resignation. I've supported Roberts for over ten years now. I can't understand why Roberts quit all of a sudden."

Architect and County Supervisor Ron Roberts has been systematically vying for the mayor's seat since 1992. Roberts announced on May 5, 2005 he will not launch a fourth run for San Diego mayor, despite encouraging poll odds and events that prop up his 2004 campaign message that the city had been thrown in a ditch under Mayor Dick Murphy.

Another Ron Roberts supporter, recent business and real estate graduate Carolina Santana, was also upset over Roberts' unforeseen announcement. "Quite frankly I was shocked; then dismayed — said



Carolina Santana

Santana—why would Roberts drop out? Had it not been for Donna Frye, I'm positive Roberts would be our city's mayor. Honestly,—if you ask me—Frye's supposed bid for the mayorship was nothing more than a glorified gerrymandering stratagem to reelect Murphy. After all, Murphy did approve Frye's last minute candidacy".

"First they put in Murphy as mayor, a well qualified, experienced man, who happened to do it all wrong—said José Flores—and now they want to replace him with Frye, perhaps the most unqualified, inexperienced person, and they're thinking she's going to do the job right. Man! Are things ever going to get better around here?"

Undoubtedly, the mayoral crisis marks a difficult chapter in San Diego city political history unlike ever before. The overwhelming majority of the city's Chicanos/as interviewed for this piece, though they don't exactly constitute a unified voting bloc; agree that the city is in dire need of an all new mayor. Decades of Anglo politicians have done little to improve the city's financial woes and far less to address the city's Chicano/a community's needs.

San Diego Chicanos/as look north to the City of Los Angeles for inspiration. There Chicano Antonio Villaraigosa has popularly assumed the city's mayorship. The last time Los Angeles had a Chicano mayor was 133 years ago. Villaraigosa's grassroots platform is what political analysts believe will finally lead the city of Los Angeles out of decades of deep political and social divisions and onto the right track. Chicanos/as make up the majority of the city of Los Angeles' constituency and although Chicanos/as are not the majority in San Diego, local Chicanos/as feel it's time some new blood took the city's reins and steered the city into a brighter future for all—Chicano style!

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July 10, 2005 Sunday
ARUNDEL EDITION

SECTION: LOCAL; EDUCATION NOTES; Pg. 3G

LENGTH: 779 words

HEADLINE: EDUCATION NOTES;
EDUCATION BEAT;
News from Anne Arundel County schools and colleges

BODY:

New book offers kids' adventures around Annapolis

The Annapolis Department of Transportation and the Chesapeake Children's Museum have published the third edition of a local children's activity book in time for summer vacation.

Titled My Annapolis Adventure: Long Ago Is Closer Than You Think, this installment is a follow-up to the popular My Annapolis Adventure: Passport to Discovery books published in 2003 and 2004.

The books went on sale last week at the Maritime Museum's Summer Lunchtime Concert series held at the Annapolis City Dock. The \$4 price includes free museum admission, a parking pass, class discounts and Annapolis Transit bus rides.

The books are designed for children between second and fifth grade, to spur interest and knowledge in southern Anne Arundel County history, culture and the environment. It includes illustrations of the William Paca House and Gardens, Historic London Towne and Gardens, Edgewater's Smithsonian Environmental Research Center, the Annapolis Maritime Museum, the Chesapeake Children's Museum and the Captain Salem Avery House.

The book includes historic photographs, graphics and hand-drawn illustrations by noted local artists and history writer Ginger Doyel. A color map helps readers locate sites and describes how to use Annapolis Transit to get to some featured attractions.

In addition to being sold at the Children's Museum, the books will be available at the Annapolis Department of Transportation, Historic Annapolis Foundation sites, the Smithsonian Environmental Research Center, the Captain Salem Avery House and other locations. Information: 410-990-1993 or 410-263-7964.

Scholarship forms due Friday

The Edward T. Conroy Memorial Scholarship is taking applications through Friday. The scholarship will award \$362,400 in the 2005-2006 academic year.

The Conroy Memorial Scholarship, administered by the Maryland Higher Education Commission, is available to children or spouses of public safety employees or select members of the armed forces whose death or 100 percent disability was directly caused in the line of duty.

The award also extends to the spouses and children of victims of the Sept. 11, 2001, terrorist attacks. Veterans who have a disability of 25 percent or greater and have exhausted or are no longer eligible for federal veterans' educational benefits are eligible for the scholarship, as are prisoners of war.

To qualify for the scholarship, the applicant's parent or spouse must have been a Maryland resident at the time of death or disability, and the applicant must enroll for at least six credits each semester in a degree-seeking graduate or undergraduate program at a college or university, or a private career school in Maryland. Information: 410-260- 4565 or 800-974-1024.

St. John's announces staff appointments

St. John's College of Annapolis has made the following staff appointments:

Ruth Anderson Coggeshall of Annapolis has been appointed director of major gifts. Before joining St. John's, Coggeshall was chief development officer for the National Gallery of Art in Washington. She holds a bachelor's degree from the University of San Diego and a master of education degree from the University of Hawaii.

Shahrazad Arasteh is the new director of career services. She has a master's degree in clinical psychology, with master's and post-master's internships in mental health assessment, and has completed extensive master's-level coursework in counseling and rehabilitation. She has several years of experience in the career development field in a variety of private and public settings. Arasteh will provide career counseling services to the students and alumni of St. John's College.

Frances Kushner of Annapolis has been named staff accountant. Some of her duties will include financial accounting, payroll processing, and grant management. Kushner graduated from the University of Maryland University College with a bachelor's in business and management. She is a member of the Maryland Association of Certified Public Accountants. Kushner resides in Annapolis with her husband and two sons.

Patricia Dempsey of Annapolis has joined the college as assistant director of communications. She will handle the college's media relations, contribute to college publications and periodicals, and promote college events.

Stephanie Takacs, a 1989 graduate of St. John's, is the director of annual giving. Takacs received her master's in educational psychology from Fordham University and has published five children's books through Children's Press.

Calendar

Career coach:

The YWCA offers individualized career coaching for women. The fee begins at \$40 on a sliding scale. 410-626-7800, Ext. 207.

LOAD-DATE: July 12, 2005

DallasNews.com

The Dallas Morning News

Harlan Cohen: Dallas-area students ask for help

03:58 PM CDT on Sunday, July 31, 2005

Dear Harlan: I just graduated from high school and will be going to Mountain View College in the fall. The problem is, I'm not really sure what I want to do for a career or even what I want to major in. I don't know what will make me happy. I've worked as a hostess in a restaurant and enjoyed that. I've also been a cheerleader. A few of my favorite classes have been psychology, sociology and philosophy.

I want to get my basics out of the way at junior college, then I plan to go to the University of North Texas. What can I do to help me figure out my major and my career?

Jessica Soto, graduate, MacArthur High School, Irving

Dear Jessica: Now that high school is over, WHAT WILL YOU DO WITH THE REST OF YOUR LIFE?

It's a daunting question when you think about it like this (especially all in capital letters). So don't. Instead, think, what will I enjoy doing next?

Once you relax, you can start to figure out what you love and don't love to do. The truth is, most graduating seniors don't know what they want to do. Those who do know often change their minds.

Lagina Reid, senior academic adviser at Mountain View College, says, "A majority of our students do not know what they want to major in or are very unsure. It's OK to be unsure. This is the time to build a foundation to figure out who you are."

And this isn't just true at Mountain View.

"It's safe to say a majority of our students will change their major at least once, if not more, by the time they graduate," says Ric Dwinell, director of student affairs for the College of Arts and Sciences at the University of North Texas. "We'd rather new students come in undeclared than to think they need to grab [a major] so they have something to tell someone."

So just pick a general direction and go with it. Take the next four years to figure it out. Take longer if you need it. As a college student, there are so many ways you can figure it out. One route you might be interested in – considering that you like working with people, like helping and like thinking – is psychology (or party planning).

At Mountain View, you can head to the Career Development Center, where Kenneth Goffney can connect you with someone working in the field. You can also look for a part-time job or internship in the summer.

Once at UNT, you can work with a professor on lab experiments or join the Psi Chi club (the professional psychology club). Whatever college you end up attending, you can meet people and work jobs that aren't available to grads. I had an internship at *The Tonight Show With Jay Leno* one summer. One student I know is a summer program coordinator at the University of San Diego. Another is doing public relations for the College World Series in Omaha, Neb.

Relax, pick a direction, turn to the people around you who can help and go. Browse your campus' Web site, talk to the people in the career development office, talk to those who have been there and done it. Picking a major should be as much fun as pursuing it.

Dear Harlan: I come from an average-size high school and am going to a college of more than 50,000 students. What can I do to find my niche and not get lost in the crowd? I'm thinking of rushing a fraternity, but I'm not sure if I can manage playing soccer, passing classes and rushing.

Ryan Savard, graduate of Woodrow Wilson High School

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July 24, 2005 Sunday
Late Edition - Final

SECTION: Section 9; Column 2; Society Desk; WEDDINGS/CELEBRATIONS; Pg. 13

LENGTH: 189 words

HEADLINE: Diedre Hollars, Justin Caldbeck

BODY:

Diedre Janet Hollars, a daughter of Betty and Rod Hollars of Tracy, Calif., was married yesterday to Justin Hiley Caldbeck, a son of Diane and Gareth Caldbeck of Naples, Fla. The Rev.

Michael P. Norkett, a Roman Catholic priest, performed the ceremony at St. Angela's Church in Pacific Grove, Calif.

The bride and bridegroom met at Harvard, where they both received M.B.A.'s.

The bride, 27, was until this month a senior manager of business development at America Online in Dulles, Va. Next month she is to join Endeca, a data search technology company in Cambridge, Mass., as a manager of business development and marketing. She graduated from the University of San Diego. Her father is the principal of John H. Pitman High School in Turlock, Calif. Her mother is the accounting and finance manager at Nature's Cure, a homeopathic skin care company in Oakland, Calif.

The bridegroom, 28, is an associate at Bain Capital Ventures, an investment firm in Boston. He graduated from Duke University. His parents, now retired, had a joint law practice in Shelburne, Vt.

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Editions of the North County Times Serving San Diego and Riverside Counties

Thursday, July 28, 2005

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Thursday, July 28, 2005

Last modified Tuesday, July 26, 2005 11:04 PM PDT

North County school briefs: BECA Foundation awards scholarships

By: North County Times

NORTH COUNTY ---- The BECA Foundation recently awarded 44 scholarships to local Latino students. The foundation, which is celebrating its 21st anniversary, honored this year's winners at a ceremony July 23 at Cal State San Marcos. Since its founding in 1984, BECA has distributed more than \$1.6 million in scholarships to 507 San Diego recipients. Many of the students overcame significant challenges, going on to become the first in their families to attend college.

North County recipients are: Elizabeth Alvarado, Gregoria Beltran, Andrea Echeveria of Fallbrook High, who will attend Cal State San Marcos; Lirio Balbuena of Fallbrook High, who will attend UCLA; Jose Cruz of San Marcos High, who will attend Palomar College; Rachel Cruz of Orange Glen High, who will attend Washington State University; Bree and Benda De La Cruz of Rancho Buena Vista High, who will attend the University of San Diego; Elizabeth Fox of Vista High, who will attend Cornell University; Jose Gomez of San Pasqual High, who will attend UC Berkeley; Cynthia Macias of Ramona High, who will attend San Diego State University; Jessica Martinez of Foothills High, who will attend Palomar College; Mark Martinez of Escondido High, who will attend Humboldt State University; Ernestina Morales of El Camino High, who will attend UC Riverside; Misael Ochoa of Fallbrook High, who will attend USC; Erica Peterson of San Pasqual High, who will attend UCLA; Krystal Pliego of San Dieguito Academy, who will attend Cal State San Marcos; Jeffrey Reynoso of Orange Glen High, who will attend UCLA; Victoria Salazar of San Marcos High, who will attend Palomar College; and Cindey Zacarias of Escondido High, who will attend the University of San Diego.

RBV alumna earns master's degree

Kristin Terich, a member of the class of 2000 at Rancho Buena Vista High School in Vista, recently completed a one-year master's program at Georgetown University. With a master's degree in physiology and biophysics, she will begin working on a medical degree in August at George Washington University. She earned a bachelor's degree in molecular cell developmental biology in 2004 at UCLA.

El Camino earns national honor

OCEANSIDE ---- El Camino High School recently was chosen one of the 25 model high schools nationwide to participate in a project sponsored by the Council of Chief State School Officers in Washington, D.C. and the International Center for Leadership in Education in Rexford, N.Y.

The project, "Models, Networks and Policies to Support and Sustain Rigor and Relevance for All Students," is gathering information on how outstanding high schools provide all students with rigorous and relevant education.

Criteria for selection as a model high school include a learning environment that promotes high achievement, use of data to make instructional decisions, a rigorous and relevant curriculum, personalized instruction, increased student learning time, and parent and community involvement.

Selected high schools shared their successful practices at the recent 2005 Model Schools Conference in Nashville, Tenn. El Camino also will join the 400 schools in the International Center's Successful Practices network. El Camino's staff will exchange best instructional practices, successful methodologies and peer support

Group promotes French language, culture

By Pat Sherman

UNION-TRIBUNE COMMUNITY NEWS WRITER

July 22, 2005

4S RANCH – On July 14, jets trailed the French national colors – white, red and blue – over Paris as a military parade headed down the Champs-Elysees.

The mood was decidedly more relaxed in 4S Ranch, where about 50 French-Americans gathered to observe Bastille Day and talk politics at St. Tropez Bakery on Dove Canyon Road.

Bastille Day, as it's known outside France, is a holiday celebrating the symbolic start of the French Revolution and the end of the French monarchy. The day marks the taking of Bastille Saint-Antoine, a small fort that held political prisoners, in 1789.

The gathering in 4S Ranch was sponsored by the Alliance Française de San Diego, part of a worldwide organization dedicated to promoting French language and culture. The 150-member local group holds up to 12 conferences a year, usually conducted in French and held at the University of San Diego.

Among the guests at the recent get-together was French citizen Bertrand Amice, who was visiting friends in Solana Beach. He read about the event in the newspaper.

Rachel Dickstein, a sophomore at Rancho Bernardo High School, discovered the event last year.

"I'm just mainly here because I'm learning French," said Rachel, 15, who found out about the event through Anne-Laure Le Révérend, her neighbor.

"Last year when I was here I made a pen pal who lives in Switzerland," she said.

Guests mingled on a patio outside, sampling a buffet that included three kinds of quiches, salads, tapenade, French bread, pastries and other items.

When the French gather to break bread, they talk politics, unlike many Americans, Le Révérend said.

Conversation, *en français*, largely revolved around French voters' rejection of a proposed European Union constitution May 29. French President Jacques Chirac had been a strong proponent of the referendum.

Many in France said the constitution will do little to fix France's economic problems. The unemployment rate was at a five-year high of 10.2 percent when the French voted.

Though polls had pointed to a "no" vote on the referendum, given France's integral role in forming the European Union, Le Révérend said many people at the gathering said they had expected a "yes" vote.



SEAN MASTERSON
Claudia Smetona (left) and her daughter Lois Pachucki-Smetona chatted in French during a recent meeting of the Alliance Française de San Diego in 4S Ranch.

Athletics

San Diego Clipping
Fallbrook Bonsal
Village News

JUL 28 2005

Harney to be co-speaker at Sports at Lunch

Joe Naiman

Village News Correspondent

Fallbrook High School graduate Evan Harney will be one of the featured speakers at the Sports at Lunch event August 4 at the San Diego Hall of Champions.

Harney, who now plays collegiate football for the University of San Diego, will be joined by USD head football coach Jim Harbaugh. The event begins at 11:30 a.m. with comments by Harney and Harbaugh following lunch. Their comments will be followed by a question and answer period.

see **HARNEY**, page A-23

HARNEY from page A-1

The Hall of Champions has featured professional players and college coaches at more recent Sports at Lunch events, but Harney will be the first college player to be a Sports at Lunch speaker since San Diego State University football player Kirk Morrison highlighted the September 2004 luncheon. "He's had an interesting career," said Tom Shanahan of the Hall of Champions.

Harney played both baseball and football for Fallbrook High School. He was a running back on the 2000 football team, which won the CIF championship. After his graduation from Fallbrook High School in June 2001, Harney went to the University of California, Irvine, on a baseball scholarship.

Injuries kept Harney from appearing in a regular-season baseball game for Irvine, which does not field a football team. In 2003 Harney transferred to USD with plans to play both football and baseball.

Harney was not expected to be USD's starting running back in 2003, but an injury to the expected starter thrust him into the first-string position. Harney set several single-season rushing records for the Toreros. The higher-than-expected football performance, along with a hand injury, kept him from playing baseball at USD, but Harney had another strong football season in 2004 and set career school scoring and yardage records. He earned all-conference honors both years.

"It would be interesting to hear his thoughts on switching to football," Shanahan said.

The August 4 luncheon is five days before the start of USD's football training camp. "He's probably their top returning player," Shanahan said of Harney.

Not only is the luncheon prior to the August 9 start of USD's training camp, but high school is not in session and high school players will be able to attend during the day. "Evan should have some interesting things to say about what he went through in the recruiting process," Shanahan said.

Harney's USD performance earned him an Amateur Star of the Month award from the San Diego Hall of Champions for October 2004. Six Fallbrook athletes who earned Star of the Month honors in 2004 were recognized at the Hall of Champions' annual Salute to the Champions banquet in February. "Fallbrook is such a great sports town," Shanahan said. "They might enjoy hearing Evan Harney talk."

Shanahan noted the strong fan support for Fallbrook High School sports which has been observed outside of Fallbrook during playoff games for several Warrior sports as well as in Fallbrook prior to games.

Harbaugh and Harney are expected to talk about USD's upcoming football season. Harbaugh, who played 15 seasons in the National Football League including two with the San Diego Chargers, is likely to be asked about his professional football career as well as his college football career as a University of Michigan quarterback. Harbaugh might also address questions about the 2005 NFL season and the Chargers' prospects.

The San Diego Hall of Champions is located in Balboa Park in San Diego. Tickets are \$30 for Hall of Champions members (an individual membership costs \$25 and a family membership can be purchased for \$40) and \$40 for non-members.



The Online Division of The Sacramento Bee

This story is taken from Sports at sacbee.com.

Where have all the All-Stars gone?

The Optimist Game faces reshuffling with rosters

By Bill Paterson -- Bee Staff Writer

Published 2:15 am PDT Thursday, July 21, 2005

The days of players waiting anxiously to learn whether they had been selected to the Optimist All-Star Football Game are gone.

So when the South plays the North on July 29 at Hughes Stadium in the 49th meeting of the area's top graduated seniors, no one from Sac-Joaquin Section Division II champion Oak Ridge will play.

Bee Player of the Year Seyi Ajitutu and All-Metro wide receiver Issac Kinter, both of Fresno State, and All-Metro second-team selection Ryan Moya of UCLA declined to participate, according to coach Erv Hatzenbuehler.

Also out are a half-dozen more area standouts, including Stanford-bound Matt Kopa of Elk Grove, pro baseball signee Cody Allen of Elk Grove and Pennsylvania-bound linebacker Joe Rost of Jesuit.

"We've been replacing players right and left," said Hatzenbuehler, who coaches at Galt High School. "I don't know what's going on. To me, it would be a big honor. But some of these kids don't seem to care that much."

But in some cases athletes are being asked by their college coaches to report earlier in the summer to start workouts with their teams, while others worry that an injury might affect their chances of playing at the next level. Some have family vacations, work commitments or, in the case of Capital Christian's Ryan Thornton, a scheduling conflict with his traveling baseball team.

North coach Casey Taylor is facing the same dilemma.

But game director Fred Claussen doesn't see a big problem. While he would love to have all players the North and South coaches initially target, it's going to have little impact on attendance or the \$40,000 to \$50,000 the game raises for Camp Ross Relles for physically and mentally challenged children.

"We are going to have the same 8,000 to 10,000 people we have every year," Claussen said. "We are an institution. Even if a bunch can't come out and play, we still have 70 darn good high school players."

This is the 71-year-old Hatzenbuehler's second go-around as Optimist head coach. The first

was in 1975, when the game was much bigger.

Hatzenbuhler remembers the players bivouacked in dorms at Sacramento State for two weeks and a crowd of some 15,000 for the game, in which the veteran coach watched in awe as future Miami Dolphins tight end Joe Rose of Marysville established an Optimist record with 183 receiving yards in leading the North past his outmanned guys.

"It really was a big deal and got a lot of attention," Hatzenbuhler said. "The media played it up big, but they don't seem as interested anymore."

But don't accuse Hatzenbuhler of living in the past. There is a lot he likes about today's all-star contest. Even though he's getting turned down more than a door-to-door salesman, Hatzenbuhler said it's a big plus to be able to pick his players.

The run-oriented coach said he still thinks he will have a formidable team that should be led by his own running back, Ronny Haren - one of eight Galt players on the 35-man roster - Folsom's Jordan Baudendistel, two players who combined to rush for more than 3,000 yards in their senior years.

Also on the team are All-Metro first-team selections Corey Watkins, defensive back from Cordova; Chuck Pierce, tight end, from Union Mine; and Stephen Larry, offensive lineman, from Galt. Joining them are Portland State-bound tight end Xavielle Moya of Franklin and 6-foot-3, 280-pound center Kyle Kofoed of Cordova, headed for the University of San Diego.

The quarterbacks are Evan Boylan of Jesuit and Garrett Congdon of Sheldon.

"I'd loved to have this team together for an entire season," Hatzenbuhler said. "We've still got some talent. We're certainly better than in 1975."

"Back then, the coaches didn't pick the team; a committee of the Optimist club did. They kept throwing at me all these guys they considered big-time players. Well, there was only one decent high school player among the bunch. A lot of those kids I would never have picked."

"Now, at least, we're looking at film and trying to make the best selections we can."

Although Hatzenbuhler, who didn't firm up his roster until the day before Monday's first practice, suffered through much rejection, he was impressed with one of those unable to play.

Linebacker-tight end Nick Paden of Folsom limped into practice to deliver Hatzenbuhler the bad news.

"He hurt his leg playing basketball and won't be able to play for six months," Hatzenbuhler said. "I thought it was pretty classy on his part to come down and tell me personally, rather than calling me."

AT A GLANCE

What: 49th annual North- South Optimist Football Game

When: Friday, July 29

USD product Clark breaks out with Brewers

By Bill Center, STAFF WRITER

When the Brewers traded Scott Podsednik to the Chicago White Sox last winter for Carlos Lee, observers wondered who Milwaukee General Manager Bob Melvin had in mind to fill Podsednik's dual roles in center and the leadoff spot.

Melvin and Brewers manager Ned Yost anointed understudy Brady Clark as the man — although, at the age of 32, Clark was three years older than Podsednik and had never been an everyday starter.

Clark, a USD product, has answered with a breakout season.

He ranks among the National League leaders in batting average (sixth, .320), runs scored (fourth, 62), hits (second, 118) and multihit games (second, 35) in addition to carrying a .385 on-base percentage.

Clark's previous career highs — a .280 average, 41 runs scored and 99 hits — came in 2004 when only 89 of his 138 appearances were made as a starter.

"It's been what I thought it would be," Clark said of his season. "It's another steppingstone in my career. There are many more things to accomplish. I just want to keep going in the right direction."

Clark is no overnight success.

He was signed out of USD in 1996 as an undrafted free agent — and released less than three months later due to a fractured hamate bone in his left hand. The Reds re-signed him the following February and he made his major league debut with the Reds in 2000.

Clark was traded to the Mets in 2002 and waived by New York at the end of that season. He was claimed by the Brewers, with whom he had batted .277 over two seasons as a backup.

"When I sat down and thought what Brady could do for us, I didn't really think he'd be near the top of all those categories," said Yost. "I just knew having Brady at the top of the order, that he would do things to help us win ballgames."

Yost is concerned about one Clark trait, however.

"As hard as Brady plays and as hard as he works, it creates a lot of wear

and tear. Thus far, he hasn't missed a beat."

NEEDS MORE SEASONING: The tale of another National League Central center fielder was not so pleasant. The Cubs last week optioned 25-year-old **Corey Patterson** — hailed as the poster child of their rebuilt farm system — to Triple-A Iowa.

Patterson had been the Cubs' regular center fielder for much of the past three seasons and hit .266 last year with 24 homers and 72 RBI. But he was hitting .232 this season with a .270 on-base percentage.

Patterson said he "wasn't OK" with his demotion. "Based on my performance, I understood. But I don't think anyone is OK with being sent down. That's not the kind of attitude you want to have. All I know is that I'm a pretty quick learner and a great athlete, so it won't take too long (to get back to the major leagues)."

WORLD IS WATCHING: His first All-Star Game experience was not exactly notable for Pirates outfielder and former Padres prospect **Jason Bay**. Not only was he the only player who didn't hit a homer during the Home Run Derby, he was the lone National League position player not to appear in the game.

As the representative of Canada in the "international" Home Run Derby, Bay put up a zero that immediately followed the first-round, 24-homer record assault of Philadelphia's **Bobby Abreu**.

"As if I wasn't nervous enough before the thing started, I had to sit there and watch Abreu hit one ball after another over the fence," said Bay. "He's getting up to 15, 16, 20 and I'm thinking, 'Oh, man!' That was one tough act to follow."

Bay managed only one drive to the warning track in center.

ROGERS REDUX: It was American League manager **Terry Francona** who talked **Kenny Rogers** into meeting with the media before the All-Star Game.

Francona, who was the Texas Rangers bench coach before becoming the Red Sox manager, met with Rogers in Texas the week before the All-Star Game and emphasized that Rogers

needed to address his assault on two television cameramen and pending 20-game suspension beforehand if he planned to play in the game.

"I have a lot of respect for Terry Francona," said Rogers. "When he said this is the best way to handle things, I had no problem with it."

Speaking of Rogers, if his 20-game suspension is upheld, he will miss only three starts. His appeal is scheduled for Thursday.

The Rangers have set up their rotation so that he is scheduled to pitch Wednesday. If he starts his suspension on the 21st, because of days off, the Rangers will lose him for only three starts rather than four.

ABANDON SHIP: Phillies closer **Billy Wagner** says he wants to be traded if Philadelphia drops out of the NL East/wild-card races and opt to dump talent.

"If the Phillies are out of it and I wasn't traded, I'd definitely be disappointed," said Wagner.

Meantime, Phillies manager **Charlie Manuel** sees better days ahead. "Teams I have managed have always played better in the second half," said Manuel. And he's right. Including the minor leagues, nine of 10 teams Manuel has managed played better in the second half of the season.

SPEAKING UP: The return of **Bobby Crosby** isn't the only reason the Oakland A's are streaking.

A week after Crosby returned, some of the A's were apparently too jovial on the team bus as it headed to the airport from RFK Stadium in Washington, D.C., where Oakland had just been swept.

Normally soft-spoken **Eric Chavez** became irate and made a short but emotionally punctuated speech directed mainly toward some of the younger players on the bus. Chavez wanted everyone to know the first priority on the road was winning, not having fun.

"The bus was huge," said A's outfielder **Bobby Kielty**. "It kind of shocked us and brought us together. Hearing that from Chavvy, he's not real vocal. Then he took off with the bat, too. He's the driving force."

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LOCAL NEWS from **Northwestern**

Posted July 15, 2005

Patience pays dividends for Brewers' Clark

BY GREG SCHINDLER
for The Northwestern

MILWAUKEE — Patience is a virtue. Though thoroughly cliché, the idiom is true and  Clark knows it all too well.

Clark didn't burst upon the professional baseball scene as a "can't miss" teenage prospect.

Rather, a Cincinnati Reds scout discovered the former University of San Diego player while he was working out at an independent team's tryout camp.

After three years of sporadic playing time in Cincinnati and with the New York Mets, Clark finally got an opportunity to play extensively when he arrived in Milwaukee in 2003.

He played in 138 games last year, reaching career highs in several offensive categories, but shared right field with since-departed Ben Grieve.

Now in his first season as the Brewers' fulltime centerfielder and leadoff hitter, Clark says the best part about seeing his name atop manager Ned Yost's lineup card is, "Just knowing that you're going to be in the lineup every day."

While Clark may be happy just to be playing, he's thriving in his new role, thrilling fans and inspiring teammates while posting stellar numbers.

Clark's batting average (.321) leads the team and the 62 runs he's scored are good for fourth in the National League.

"I know how important and valuable it is to get on base no matter how I do it," Clark said. "That's the job of being a leadoff hitter."

Clark is not one to dwell on personal statistics, but he'd love to lead the league in runs.

"That would mean that not only am I doing my job, but the guys behind me are doing their jobs and the offense is clicking," Clark said.

Second baseman Rickie Weeks is one of the Brewers' brightest stars of the future. The 22-year-old rookie hits directly after Clark and has already learned plenty from the on-deck circle.

"Me coming here, I really didn't know too much about him, so when I got in there behind him there was a big adjustment because he was always on base," Weeks said.

Though he's walked just 28 times, Clark's pitch selection has enabled him to make the most of his swings.

Clark had to wait until he was 31 to become an every day player. Waiting through a few undesirable pitches is easy by comparison.

"That's the first thing I saw," Weeks said. "That's helped me a lot because I'm behind him. I'm always seeing what kind of pitches they're throwing him."

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07/10/2005

Ortega plays another winning role

David S. Glasier, DGlaser@News-Herald.com

Utility infielder makes most of rare chance to start for Captains

Jose Ortega is a role player for the Captains determined to make the most of every opportunity he gets to shine.

The 24-year-old utility infielder from California did just that Saturday as Lake County pulled away to a 7-3 victory over the Delmarva Shorebirds in front of a sellout crowd of 8,984 at Classic Park.

Playing shortstop and batting eighth, Ortega faced Delmarva starter Joe Coppinger with the bases loaded and no outs in the bottom of the fourth inning.

Earlier in the frame, designated hitter Tim Montgomery singled and scored on Fernando Pacheco's RBI double to give the Captains a 3-2 lead. A walk by Chris Gimenez and a single by Marshall Szabo loaded the bases.

Up came Ortega, playing in only his 19th game of the season. The 5-foot-11, 180-pound Ortega took a fastball from the hard-throwing, 6-3 Coppinger and drove a sacrifice fly to medium-deep right field. Pacheco easily scored to make it 4-2.

Gimenez, who advanced to third base on the play, later scored on an RBI single by Juan Valdes.

"Jose gave us exactly what we needed in that situation," Captains manager Mike Sarbaugh said. "He got 'em in and got 'em over."

For the game, Ortega went 1-for-2 with two RBI and a run scored. He also cleanly handled four chances in the field.

It was business as usual for the former University of San Diego shortstop who signed with the Indians in June 2004 as an undrafted free agent. Now batting .217 with five RBI, Ortega has played two games at second base and seven each at shortstop and third base.

"Jose is solid defensively wherever you put him and gets the bat on the ball," Sarbaugh said. "He's a great guy for a ballclub because he does whatever you ask him to do."

Ortega also has made two appearances this season as a pitcher. He went one inning in a 16-4 loss to Lexington on May 3 and gave up one unearned run in two innings in a 10-5 victory at West Virginia on May 28. He's 0-0 with a 0.00 ERA.

"I'm a position player, without a doubt," Ortega said with a chuckle. "You don't see many 5-11 guys throwing 84 (mph) in the big leagues. I just throw it in the strike zone and hope guys get themselves out."

Ortega is the oldest of six children born to Ignacio and Maria Ortega of Riverside, Calif.

Ignacio Ortega came to the United States from Mexico in the mid-1970s. He found work as a tractor operator for a Southern California landscaping company. In 1980, he brought his pregnant wife, Maria, to California. Jose Ortega was a born a few months later.

"I was made in Mexico and born in the USA," a smiling Ortega said.

The holder of a bachelor's degree in business administration from USD, Ortega is realistic about his chances of someday advancing to the major leagues.

"I know the percentages aren't in my favor, but I'm here, and I'm going to give it my all and let the chips fall where they may," Ortega said.

Center fielder Trevor Crowe continued his fine play for the Captains in Saturday's victory. The Indians' first-round choice went 3-for-5 with two RBI. He's batting .471 in four games.

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Indians game notes

07/21/05 - Carolina League (CarL) Kinston Indians



- Missing in Action...After Kinston had 11 base runners in the first five innings of Tuesday's game, the Indians have had just eight in their last 13 innings while suffering back-to-back 5-1 losses to Frederick. Last night Kinston starter Sean Smith walked the first two men he faced and both came in to score as the Keys never trailed in the game. Kinston's only run came on LF Mike Butia's solo

home run in the bottom of the second, Butia's second on the year.

- He's Out of Control...In addition to the two leadoff walks to start the game, K-Tribe starter Sean Smith also walked Frederick's Josh McCurdy in the fourth, marking the 12th time in 21 outings that Smith has walked at least three batters. Smith now ranks fourth in the Carolina League with 50 walks on the year and has walked three batters in each of his last three starts, although only two of those nine runners have come in to score. Smith has had only one appearance all year, a two-inning relief stint April 22nd against Myrtle Beach, where he did not walk anyone.

- Go Speed Racer, Go...Kinston RF Nathan Panther was the only Indian to reach base twice last night, finishing 1-3 with a walk. Panther also stole second base in the game, giving him nine steals in 14 attempts this year. While Panther is on pace to reach his total of 11 steals last season, the Indians as a team are not. Last year Kinston ranked 11th in the Carolina League with 128 stolen bases and had a success rate of 73%. This year the Indians are fifth in the league with 56 steals and have been successful only 60% of the time. Kinston is on pace to steal just 83 bases this year.

- The Welcome Wagon...The Indians made roster moves 55 and 56 prior to last night's game, placing LHP Shea Douglas on the DL with left shoulder inflammation and adding RHP Kyle Collins from Lake County. Collins, a 30th-round pick from the University of San Diego in 2004, was 4-5 with a 2.80 ERA in 36 relief appearances for the Captains this year.

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Tuesday, July 12, 2005

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Tuesday, July 12, 2005

Last modified Sunday, July 10, 2005 8:35 PM PDT

Meador, Allen look good in Showcase

By: JOHN MAFFEI - Staff Writer

SAN DIEGO ----- They've been flying under the radar for most of the summer.

Sunday, though, James Meador of Ramona High and Michael Allen of San Marcos broke away from the pack and impressed a gathering of more than 50 professional baseball scouts and college recruiters at the wood-bat 2005 San Diego Showcase at the University of San Diego.

Meador threw a shutout inning as the starting pitcher for the North County in a 1-0 five-batter, eight-inning win over the South County.

Meador also doubled in the game's only run, a one-hop shot off the left-field wall that drove in Allen, who reached on a bunt single.

The speedy Allen has participated in the Perfect Game camps in Fullerton and Palm Desert. He also excelled at the USC and Pittsburgh football camps.

"It's an honor to have a chance to play with these guys from the big Division I programs," said Allen, a running back and cornerback in football and an outfielder/infielder in baseball. "I'd really like to play both sports in college.

"If I can find a school that would let me do both, that would be ideal."

Allen said he has drawn interest in football from USC, Oregon, Oregon State and Idaho as well as NCAA Division I-AA schools.

Ramona coach Dean Welch had to lobby hard to get Meador a tryout for the prestigious Area Code Games in Long Beach. So far, Meador has survived two cuts with a final cut Friday at USC.

His performance Sunday is certainly a confidence boost.

"It's things like this that build character and discipline," said Meador, a pitcher and third baseman in baseball and a quarterback and outside linebacker in football.

"I think football helps a player mentally, while baseball helps with discipline. I'm much more of a baseball guy than football, so to be here is awesome."

Meador said he has had contact with USD and UC Irvine, as well as most of the smaller schools in Southern California.

That list should swell now.

Including Meador, Tyler Wells (La Costa Canyon), Brett Bochy (Poway), Mike Leake (Fallbrook), Hector Yorba (Ramona), Reid Suitor (Torrey Pines), Mike Cruz (La Costa Canyon) and Max Peterson (Westview) threw

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Article published Jul 18, 2005

If Joe Craig's summer got any better, I don't think he could stand it.

A resident superior court judge for Guilford County by day, Joe is spending a good part of his non-working hours this summer with the boys of summer. Literally.

And it's pretty much the perfect pastime for the man who once was the kid listening to baseball games on a transistor radio late into the summer nights under the sheets of his bed.

Joe, his wife Kari and their family, you see, have opened their Emerywood home to a couple of HiToms baseball players for the summer. So they are eating, sleeping and living HiToms baseball.

In case you aren't familiar with HiToms baseball or their league, here's a primer. The Coastal Plain League is not a professional league. It's for college students who want to sharpen their skills during the summer. Consequently, players are not paid and need free housing, and that's where host families like the Craigs come into play.

When the Craigs moved into their Emerywood home in February 1999, they decided to convert their garage to use as an apartment during furniture market, while they rented their house to market guests. They also decided the garage apartment would be perfect for sharing with a couple of college ball players.

They began opening their home to the HiToms in the summer of 2000. And when I say opening their home, I mean opening their home.

"They have free run of the house, TV, computer, refrigerator," Joe explains. "Host families are not required to feed the players, but we let them raid the refrigerator and three or four nights a week they benefit from Kari's cooking."

This summer Joe, Kari and sons Ian, 6, and Andrew Coleman, 14, and Ryan Coleman, 16, are hosting HiToms pitcher Rob Wilson and catcher Logan Gelbrich. Rob, who is from Charlotte, is a rising junior at Joe's alma mater Davidson College. Logan, who is from Los Angeles, is a rising sophomore at the University of San Diego, and is coming back this week from the disabled list after suffering a rib injury.

After games, which Joe and his 6-year-old son Ian do not miss, the players come home and pile into the living room for ESPN's Baseball Tonight and a check of the day's stats. "They are obsessed with stats - their stats, their friends' stats. I'm a huge baseball fan, and that's why it's been such a thrill for me to do this," Joe says with the pride of a true fan. "This is a dream-come-true for me."

A dream-come-true, you bet. "Around the house, they are like kids in their teenage years," Joe muses. "And then at the ball park, they are transformed into... into like superheroes in their uniforms under the bright lights. Ian's eyes are glazed over. After the games they bring him foul balls and broken bats. They just dote on him. They play catch with him. And I get to do all of this stuff vicariously through him. They really are the boys of summer."

The boys of summer. Joe, you're still one of the boys. That's for sure.

Joe says the HiToms always have a difficult time getting host families for their players. "If folks know how much fun it is to host players, there'd be a wait list," Joe says. No doubt.

"I'll never forget this summer. Sitting on my front steps and watching those big old boys chase lightning bugs with Ian and put them in a jar. I've told both of them they'll make excellent dads.

"They really are the heart and soul of the game. They are away from college and away from home, but I think they've found a home here for a little while."

Cathy Weaver's column appears Mondays in the News & Record. She can be reached at 883-4422, Ext. 243, or via e-mail

Not that Brett Melton: But contender did play college hoops

By Craig DeVrieze

LONG GROVE, Iowa — Yes, he is Brett Melton, former college basketball player.

But he is not that Brett Melton.

Not only did the Brett Melton, the professional golfer who is in contention for the inaugural Quad-Cities title this weekend, not play basketball for the University of Illinois, he played for Illinois' mortal enemy.

"I played for Bruce Pearl at Southern Indiana," he said. "I was a 20-20 guy. If we were up 20-20, I got to play."

Since moving to Monee, Ill., from the southern Indiana outpost of Odon, this Brett Melton — he frequently has been confused for the 3-point bomber who transferred from Illinois to the University of San Diego two seasons ago.

"I get that a lot," he said. "I have gotten calls from the the Chicago Tribune and the Sun-Times. I have gotten several calls for him."

Melton is trying to make a name for himself on the golf course.

He backed an opening-round 69 on Friday at Glynns Creek Golf Course with a Saturday morning 68. But he stands eight shots behind midway leader, Wil Collins.

Collins, a Rapid City, South Dakotan, backed his opening- round 8-under 63 with a 6-under 66 on Saturday afternoon to open up a three-shot lead in the race for an \$8,500 first-place prize.

The tournament concludes today, with 64 professionals and 40-plus amateurs teeing off this morning at the Scott County Park golf course.

A winner should be crowned sometime between 4 and 5 p.m.

Collins leads Steve Thomas of Tupelo, Miss., by three shots. Thomas carded a 65 on Saturday to vault into second place at 11-under 132. Another two shots behind are Greg Peterson of Charleston, Ill., (69-65) and Ben Pettitt, Scottsdale, Ariz. (67-67).

West Branch, Iowa, native Sean McCarty is part of a quintet that will start today six shots off the lead.

The amateur leader is Davenport's Tim Flaherty, who moved ahead with a Saturday 66 that included seven birdies and a lone bogey.

"I hit it good but I was very fortunate," said Flaherty, who opened with a 73 on Friday. "I got confident with the putter."

Flaherty leads Cedric Bertin of Marion, Iowa, by a stroke and is two in front of Bettendorf's Kevin Kilstrom, Davenport's Dustin Drenth and Clinton's (Iowa) Dean Cavanaugh.

Melton is a 31-year-old former country club assistant who moved several years ago from Indiana to the Chicago suburbs to give himself an opportunity to play more.

The father of two works as a teaching pro at Green Garden Country Club in Frankfort, Ill., and he schedules lessons around his tournament schedule.

After today's round, he will return to Green Garden for more rounds of lessons and then head to Waterloo, Iowa, for next week's Waterloo Open. Another trip home to teach will be followed the next week by an entry in the Cedar Rapids (Iowa) Open or the Illinois Open.

Zemenova Named an ITA All-Star

Talented freshman becomes first BU woman to be named to elite squad.

July 28, 2005

SKILLMAN, N.J. - The 2005 Intercollegiate Tennis Association (ITA) All-Star Team will be honored on August 26 at the historic West Side Tennis Club in Forest Hills, N.Y., and Baylor's Zuzana Zemenova and Benedikt Dorsch are among those named to the elite squad.

Dorsch and Zemenova each won the 2005 NCAA Division I singles championship. Zemenova, a freshman, became the first unseeded NCAA champion ever when she defeated Northwestern freshman Audra Cohen for the championship. Zemenova ended her rookie season at Baylor with a 29-5 record and earned All-American status. She is the first Baylor women's player to be named an ITA All-Star.

Dorsch, a three-time double All-American and two-time ITA Player of the Year, defeated the University of San Diego's Pierrik Ysern for the title on May 30. Dorsch finished the season ranked No. 1 by the ITA for the second straight year and posted a 36-2 singles mark. Dorsch and teammate Benjamin Becker were 2004 ITA All-Stars.

This 22nd edition of the ITA Collegiate All-Star Team includes the nation's top-ranked men's and women's tennis players at the NCAA Divisions I, II and III, NAIA and NJCAA levels, as well as champions from the 2004 ITA National Intercollegiate Indoor Championships and 2005 NCAA Championships. This year's recipients of the ITA/Arthur Ashe Leadership and Sportsmanship Award, presented by Montblanc - Mat Cloer of Florida State and Aniela Mojzis of North Carolina - will also be honored at the event.

This year's women's all-stars are: Loli Aguirre Gomez of Lee College, Alice Barnes of Stanford, Caroline Basu of Georgia, Megan Bradley of Miami, Erin Burdette of Stanford, Audra Cohen of Northwestern, Julie Coin of Clemson, Cristelle Grier of Northwestern, Lindsay Hagerman of Washington & Lee, Jing Jing Liu of BYU-Hawaii, Shadisha Robinson of Georgia, Larikah Russell of Southern Nazarene, and Zuzana Zemenova of Baylor.

The men's all-stars are: Dante Cipulli of Southwest Baptist, KC Corkery of Stanford, Ryler DeHeart of Illinois, Benedikt Dorsch of Baylor, Sam Fletcher of Azusa Pacific, Alex Gonzales of Laredo, Scott Green of Ohio State, John Isner of Georgia, Sam Warburg of Stanford, Antonio Ruiz of Georgia, Matt Seeberger of UC-Santa Cruz and Ross Wilson of Ohio State.

Baylor's Dorsch and Miami's Bradley will be honored as the ITA National Players of the Year. Both players finished at No. 1 in the ITA singles rankings. Dorsch also received this award in 2004. Stanford's Barnes and Burdette and Georgia's Isner and Ruiz will be honored as the ITA National Doubles Teams of the Year.

The ITA Collegiate All-Star Team will be treated by the ITA and The Nick Bollettieri Tennis Academy to a weekend in New York, highlighted by the Aug. 26 activities at West Side. Following a breakfast at West Side, the ITA All-Stars will participate in doubles play with guests from 9-11 a.m. Starting at noon the ITA All-Stars will then be honored at a special luncheon and presented their awards. Nick Bollettieri will be on hand for the awards ceremony. The legendary Bollettieri founded his world famous tennis academy in 1978 and has coached many of the top players including Andre Agassi, Monica Seles, Tommy Haas, Jim Courier and Maria Sharapova.

The ITA has selected an All-Star Team since 1984. Recent players honored include: James Blake, Bob and Mike Bryan, Laura Granville, Marissa Irvin and Jeff Morrison.



Freshman Zuzana Zemenova is Baylor women's tennis' first ITA All-Star.

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Albuquerque Journal (New Mexico)

July 26, 2005 Tuesday

SECTION: RIO RANCHO JOURNAL; Pg. 5

LENGTH: 883 words

HEADLINE: Watch the Bright Stars Shine One Last Time

BYLINE: James Yodice Of the Journal

BODY:

As high school all-star events go, New Mexico's North-South triumvirate of volleyball, basketball and football have distinctive place in the pecking order.

If baseball is the most attractive professional all-star game, then its prep equivalent here is basketball.

It is, by far, the most marquee of all the prep all-star games, and this year's crop of talent is exceptional.

While the South's headliners include Cibola's Roman Andrade and Deming's superb A.J. Adkins, the balance of power resides with the North.

Harvey Hale, the recent Rio Grande High graduate who will play for Wake Forest, is the biggest name in Thursday night's all-star game. As the first New Mexican to receive a men's basketball scholarship to a college in the Atlantic Coast Conference, Hale will put his skills on display for the locals for probably the last time.

If Hale is the biggest name, Eldorado's Daniel Faris is the biggest, period. The University of New Mexico-bound Faris, all 6 feet, 9 inches of him, is one of a handful of North giants.

That list also includes 6-7 Brandon Holland of La Cueva, 6-6 Chris Mitchem of Highland and 6-5 Alex White of Rio Grande. The South's biggest player is 6-5 Peter Bailey of Deming.

While all the North big men can get up and down the floor, the guards will give this game its serious pep.

There are some tremendous guards playing for the North. Aside from Hale, there is Eldorado's Tyrone Crawford, Capital's underappreciated Michael Dominguez, Valley's Eric Concini (a late addition for Highland's Andre Vaughn) and Rio Rancho's Chris Williams.

It's not as though the South has a bunch of slackers -- in addition to Andrade and Adkins, other standouts include B.J. Meridith of Hobbs, Frank Borden of Gadsden and Forrest Becker of Albuquerque Academy -- but this group can't run with the North. No way, no how.

If you're asking yourself why this looks like a public service announcement, it's because all-star basketball games in this city are almost criminally underattended.

Maybe it's because they are not strongly promoted, maybe it's because basketball in July doesn't exactly get the juices flowing. I don't know, but it's an immensely entertaining two hours of basketball and well worth whatever piddly fee (\$5 in advance, \$6 the day of the event) is required to get in.

Football third

While I consider baseball to be the second best of the North-South events, football is a distant third if only because the South is so thoroughly dominant in this series.

We also have a genuinely confusing scenario with the South. While Cibola's Erik Cook received a scholarship from the University of New Mexico, he isn't on the South roster.

I assumed it was because the Lobos asked him not to risk injury by participating, or because he had a prior commitment. Boy, was I wrong.

Turns out Cook wasn't even voted onto the team, according to Cibola coach Ben Shultz. Someone please tell me how that's possible, because this ranks as one of the most glaring omissions in the history of the game.

Granted, the South has some outstanding lineman, but every single one of them -- including Cibola's own Patrick Ryan, who's a very good player and who did make the South team -- is better than Cook? Very doubtful.

If you're wondering why other UNM recruits like Ian Clark and Phillip Harrison of Highland made it into this game (with the North) while Cook did not, consider two factors:

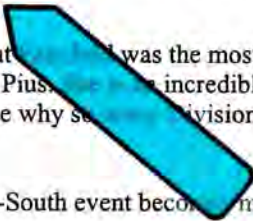
* First, Cook was unlucky to be stuck in the South region because Cibola last fall played in District 4-5A, which includes Clovis, Carlsbad and Hobbs. Everyone knows the South usually has better talent.

* Second, both Clark and Harrison committed to UNM in early December, likely before the North-South rosters were finalized. Cook didn't sign his letter of intent with UNM until February, long after the South roster had been finalized. I guarantee you, if Cook and the Lobos had gotten together earlier -- say, in December -- he would have been on the South roster.

No Fairchild

The week begins tonight with the North-South volleyball games. Unfortunately, the best player in the state won't be in uniform, which is a real disappointment for organizers.

St. Pius' Jeanne Fairchild, who is headed to the University of San Diego next season, will be reporting for college soon and decided she wants a bit of a break.

Of course, there are still plenty of very talented players remaining, but  was the most compelling reason to attend. The 6-foot-2 Fairchild was a hitting machine in her prep career at St. Pius. She was an incredible jumper, and when you splice that together with her excellent timing and power, it wasn't hard to see why so many Division I programs wanted her services.

With the game's star attraction removed from the equation, the North-South event becomes much less of a quality ticket.

Having said that, locals to watch tonight include Gayle Tripp (who is UNM-bound this fall on scholarship) and Ambur Scott of Rio Rancho, and Vanessa Garcia of Cibola.

Rio Rancho's Toby Manzanares is coaching the North.

James Yodice can be reached at 823-3950 or jyodice@abqjournal.com.

All-Star week

VOLLEYBALL, today: Class 4A/5A, Johnson Center, 7:30 p.m.

BOYS BASKETBALL, Thursday: Class 4A/5A, the Pit, 8:30 p.m.

FOOTBALL: Friday: Class 4A/5A, University Stadium, 7 p.m.

Tickets are \$5 in advance, \$6 on game day.

LOAD-DATE: July 26, 2005

ONLINE EDITION
JERUSALEM POST

Hoopsters hope to be scouted by Israeli teams

AARON KAPLOWITZ, THE JERUSALEM POST

Jul. 20, 2005

For many of the top men's basketball players at the 17th Maccabiah, the games are a chance to gain exposure for professional play in Israel.

Like David Blatt and Tal Brody, who used the Maccabiah to jumpstart successful professional careers in Israel, the players have the opportunity to showcase their talents abroad.

US head coach Herb Brown, who coached the NBA's Detroit Pistons from 1976 to 1978, thinks that some of his players can bring their game to Israel. "I think we have quite a few players," Brown said after his team's opening game victory over Canada. "I think Harrison Schaen... that's one. The second guy is Seth Hauben. He's very good. He'll play in Israel. He's got a contract in Denmark right now and he can get out of it and play in Israel.

"Ben Jacobsen can play in Israel. Avi Fogel... the guards can play in Israel. They're young. Shaun Weinstein played great.

"I can't single out any one guy... but I think we have quite a few kids who can play in Israel. I know it's a really tough league."

Guy Pnini, a member of the Israeli Maccabiah basketball team who played professionally last year for Bnei Hasharon, singled out Schaen and Australia's Eban Hyams as players capable of playing in the BSL. "[Schaen's] a good player," he said. "He's athletic, he's got a good mid-range jumper. Maybe [Eban] from Australia also."

Yoram Harush, a former Maccabi Tel Aviv and Hapoel Jerusalem coach, saw the first half of the US-France game and also noticed something special in Schaen and other forward Jacobsen, a recent Tennessee Tech University graduate. "The two big men have good skills and good potential," he said. Harush was also impressed with their "technique."

When informed that he had made everyone's list, Schaen was flattered. "That's great," he said, as Brody gave a speech during halftime of the women's final urging Maccabiah participants to move to Israel. "That's one of the best compliments I've ever received. You have some of the best athletes in the world here. To be considered among them is a great honor."

The 2.03-meter forward will only be a sophomore at Princeton in the fall, but he got excited about playing in Israel and was afforded the opportunity. "I'd love to play basketball here. It's one of the most highly regarded leagues in the world."

Schaen, 20, spoke about his triple-double – 18 points, 14 rebounds and 10 steals – against Moldova but refused to look past his college days. "I'm only focused on this season at Princeton. I'm very ready."

American guard Fogel, a sophomore who worked his way into the starting lineup at the University of San Diego but may transfer to the University of California, turned heads with a 24-point performance against Canada. He has already done his research on Israeli basketball. "I've looked into the teams here," he said, after beating Canada. "I know that Maccabi Tel Aviv is at the top and nobody really can get to their level yet. I know they've got the big money and they've got everything."

"It would be a dream to play for them, but I know the other teams have some good players from the States, like I saw a team with William Avery. It looks like a good good league."

The young American players can look to Brody and Blatt as examples of making the successful transition from the US to



Summer learning

12:32 AM PDT on Thursday, July 21, 2005

Allan Steele

RIVERSIDE - Baseball season at UC Riverside officially ended in May, but the game continues for most of the players who are spread out across the country playing in summer leagues.

From Alaska to Medicine Hat, Alberta, to New England, Highlanders are getting an education on and off the field.

UCR coach Doug Smith said the summer experience is an integral part of a young player's development. UCR had just one senior last season.

"Where the summer experience really shows is with freshmen," Smith said. "They're in a different part of the country. There's a little apprehension of getting out of your comfort zone, and that's good.

"When they come back, they're much more mature. It's amazing the growth you see."

Andrew Garcia, playing second base for the Manchester Silk Worms, made the New England Collegiate Baseball League All-Star team by hitting .349. Some, like Nick Salotti in Anchorage, are learning to hit with wooden bats. Pitchers Haley Winter and Marc Rzepczynski have shifted roles as starter and reliever for the Mat-Su Miners of the Alaskan Baseball League.

Ranking No. 4 in State

While the players play, the coaches spend the summer recruiting. Part of UCR's recruiting pitch includes a list comparing the Highlanders to other California programs since UCR's move to Division I in 2002.

UCR's win percentage of .579 tops all UC schools and is No. 4 in the state behind Stanford, Cal State Fullerton and Long Beach State.

Shappi Has 11 Wins

Two former pitchers are making their mark in the minors. A. J. Shappi won 11 games for South Bend. The Arizona Diamondbacks promoted him to Lancaster of the Class A California League, where he lost his first three games.

John Martinez won his first seven starts for the Chillicothe Paints of the Frontier League and was 10-1 with a 2.86 earned run average.

Men's Basketball Schedule

The UCR men's basketball team will open the season Nov. 18 at Washington State and will play at USC on Nov. 30.

The Highlanders' home opener is Nov. 26 against the University of San Diego, one of four Saturday games at 4:05 p.m. They'll also play one at 3:05 p.m.

In addition to Big West opponents, the Highlanders will play host to Eastern Washington and Montana of the Big Sky.

UCR will play in the two-day Cable Car Classic in San Jose on Dec. 28-29, opening against host Santa Clara. Boston University and Bucknell are the other entrants. The Highlanders will also play in the Bracket Buster Tournament against a



THE PLAIN DEALER

CAVALIERS INSIDER

GM picks two of his assistants

Saturday, July 09, 2005

Branson Wright
Plain Dealer Reporter

Las Vegas- Cavaliers General Manager Danny Ferry will name Lance Blanks and Chris Grant as assistant general managers as soon as today, according to several league sources.

Blanks, director of scouting for the San Antonio Spurs, and Grant, assistant general manager for the Atlanta Hawks, will have equal responsibilities as assistant GMs under Ferry.

Blanks and Ferry worked together in the front office with the Spurs for the last two seasons. Blanks, 38, was with the Spurs for five years, and the team won two titles with him as an executive. He was director of scouting for three years. Blanks is a graduate of the University of Texas, and he was a first-round pick of the Detroit Pistons in 1990. He played three NBA seasons.

While with the Spurs, Blanks played a major role in helping the Spurs sign Bruce Bowen and Tony Parker. Blanks also was instrumental in the trade that brought Nazr Mohammed to the Spurs for Malik Rose.

Grant, 33, was promoted this past season to vice president of basketball operations and assistant GM with the Hawks.

Grant spent the last nine seasons with the Hawks. He was responsible for assisting Hawks GM Billy Knight in all facets of the day-to-day basketball operation, including all player acquisitions at the professional and collegiate levels. He spent the last two years as director of scouting.

Grant also attended the University of San Diego with Cavs coach Mike Brown.

To reach this Plain Dealer reporter:

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NEWPORT **INDEPENDENT**

Since 1901

Local News**Sports****ASU adds assistant AD for marketing/promotions****Sports****Church Directory**

JONESBORO -- Wendy McReynolds, an award-winning marketing director over the years, has joined Arkansas State University's Department of Athletics as the Assistant Director of Athletics for Marketing and Promotions.

Obituaries

ASU Director of Athletics Dr. Dean Lee made the announcement Monday afternoon. McReynolds will begin her responsibilities July 13. Her first priorities will be season tickets and corporate sales along with preparations for ASU's season football opener with Missouri Sept. 3 in Kansas City.

Special Section**History Section**

"We are very glad to have Wendy join our staff with her ability and skills to help us move our program forward," said Lee. "She is well recognized in her profession from a national standpoint with her broad experience, and her awards are indicative of the respect she has from her peers. She will be a tremendous fit with the senior administrative staff already assembled and be an asset to our program."

Schools Plus**Classifieds**

McReynolds received six awards in 2005 from the National Association of College Marketing Administrators (NACMA) for her marketing efforts after winning three in 2004. These awards include best basketball season ticket brochure and best T-shirt design. She comes to ASU after working as the athletic marketing director for the University of San Diego. While there, she was in charge of organizing and implementing marketing and advertising campaigns for the school's 16 sports.

About Us**Archives**

"I am so excited about coming to Arkansas State," said McReynolds. "Dean Lee has things going in the right direction and with his marketing background, he really understands that area. It's very exciting for me to come in and work with ASU and to help make an impact on the program and in the community. ASU already has a good athletic marketing staff in place who have worked diligently to get some things done, and I have some ideas I think will complement what they have already accomplished."

A 1994 graduate of Guilford College in Greensboro, N.C., she earned a bachelor of

Find this page online at: <http://www.chathamjournal.com/weekly/sports/college/duke-athletic-promotions-50713.shtml>

Duke athletics announces staff promotion & additions

Posted Wednesday, July 13, 2005

Durham, N.C. - Duke director of athletics Joe Alleva announced on Wednesday the promotion of Jamie Pootrakul to Director of Compliance along with seven additions to the department's staff.

Additions to the Duke Athletic staff include Ben Blevins (Sports Information Staff Assistant), Kim Conrad (Sports Information Staff Assistant), John Holinka (Sports Information Staff Assistant), Ryan Murphy (Iron Dukes Intern), Michael Ryan (Assistant Director of Facilities & Game Operations), Gina Rosser (Business & Facilities Staff Assistant) and Jason Sholtz (Internet Operations Staff Assistant).

Pootrakul, who graduated from the University of San Diego in 1999 and the University of Arizona's College of Law in 2002, is elevated from Compliance Coordinator. She joined the Duke staff in September of 2003.


A 2004 graduate of Colorado State University, Blevins spent the past year in the sports information office at Saint Anselm College in Manchester, N.H. Conrad worked four years as an undergraduate in sports information before graduating from the University of North Carolina in May of 2005. Holinka is a 1998 graduate of Ohio Northern University who received a master's degree in sports administration from Bowling Green in 2004 and worked in the sports information office at Virginia Tech last year.

Murphy graduated from Saint Louis University in 2003 and earned a master's degree in sport management from West Virginia University in 2005. Ryan, a 1999 graduate of Kansas State University who earned a master's degree in education from Wichita State University in 2002, joins the Duke staff after working as an assistant director of facilities and game operations at SMU since November of 2002.

A 2003 graduate of High Point University, Rosser received master's degrees in business administration (2004) and sports administration (2005) from Ohio University. Sholtz is a 2004 graduate of Wofford College and served as a volunteer assistant in Duke's athletic department during the 2004-05 academic year.


TRANSACTIONS

DUKE - Promoted Jamie Pootrakul to director of compliance; named Ben Blevins, Kim Conrad and John Holinka sport information staff assistants; named Ryan Murphy Iron Dukes intern; named Michael Ryan assistant director of facilities and game operations; named Gina Rosser business and facilities staff assistant; named Jason Sholtz internet operations staff assistant.



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Football

FOOTBALL COMPLETES COACHING STAFF

Release Date: 7/13/2005

SACRAMENTO, Calif. — The Sacramento State football team has completed its coaching staff for the upcoming season, it was announced today by head coach Steve Mooshagian. The newest changes include the naming of an offensive coordinator as well as two new coaches.

After joining the staff in February, Scott Criner has been elevated to offensive coordinator. Criner was hired as the team's quarterbacks coach but will now also call the offensive plays. He has previous collegiate coaching experience at Boise State, Pacific, Cincinnati, Navy and Northern Arizona.

Criner's strength is in the passing game and, as offensive coordinator, he will work closely with offensive line coach Max Glowacki who will handle most of the run-game preparation. Also new to the offensive staff is Jamie Christian and Richard Sanchez.

Christian, who most recently worked with the San Francisco 49ers, will serve as the team's running backs coach. A running back at both Fresno State and Central Washington, Christian began his coaching career at Oregon State in 2000 as a graduate assistant. He then moved to Northern Arizona for the 2002 season before returning to OSU in January of 2003. However, his stint with the Beavers was short-lived as Christian moved to San Francisco with head coach Dennis Erickson. During his two seasons with the 49ers, Christian worked as a defensive quality control coach.

Sanchez is the newest member of the staff and will coach the tight ends as well as special teams. Sanchez comes from Valparaiso where he was the recruiting coordinator and special teams coach. Prior to that, Sanchez worked for two years at the University of San Diego as the running backs coach. He has also spent time at San Diego State, with the B.C. Lions of the Canadian Football League and as a high school coach. In fact, Sanchez' first head coaching job was at Montclair High School where he guided future Hornet All-American Charles Roberts.

The offensive coaching staff will also include Mike Preacher. Preacher came to the team in the winter and will coach the wide receivers. A former Academic All-American at Oregon as a punter, Preacher also served as the general manager of the San Francisco Demons of the XFL.

The defensive coaching staff remains intact from last season. Defensive coordinator Tim Skipper returns for his second year in that spot and his third with the Hornets. He will be joined by defensive line coach Jon Osterhout (fifth year), assistant head coach/linebackers coach Lou Baiz (12th year) and secondary coach Stephon Pace (second year). Former Hornets Steve Roberson and Chris Bessinger will also serve as graduate and student assistants, respectively.

Sacramento State begins its 2005 season on Sept. 3 at California. The team's first home game will come on Sept. 24 against UC Davis.

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AFC West Champions open Training Camp July 29

(2005-07-22)

The opening day for the first-ever training camp at Chargers Park for the AFC West Champion San Diego Chargers is Friday, July 29 when the full squad hits the field for practices at 8:00 am and 3:20 pm.

Chargers Park will be a festive place for fans of all ages. Bleacher seating has been provided for outstanding views of the entire practice field. There will be visits from the Charger Girls and former players, interactive games for the kids and opportunities for fans to get autographs and take pictures of their favorite players.

Parking around Chargers Park is extremely limited. On week days, fans are urged to park at Qualcomm Stadium Gate C and ride the shuttle to Chargers Park. On weekends, parking is available on Murphy Canyon Rd. and at the business center located on Murphy Canyon Rd. just south of Chargers Park. On weekends, there is no shuttle service from Qualcomm Stadium.

Concession stands will be open at every practice, offering plenty of your favorite food and beverage items along with the latest Chargers shirts, hats, jerseys and much, much more.

The team has several special events planned. On Saturday, July 30, the team's 8:00 a.m. practice will conclude with the exciting "Oklahoma Drill." It's an opportunity for fans to get up-close to the action as players compete in a one-on-one full-contact tackling drill.

On Tuesday, Aug. 2 and Wednesday, Aug. 17, there will be night practices at Chargers Park. The gates will open at 6:30 followed by an autograph opportunity for fans 14 and under. At these special night practices, kids will enjoy temporary tattoo artists, balloon artists, interactive games and much more.

Saturday, Aug. 6 will be a big day for Chargers fans. FanFest 2005, presented by Budweiser, returns to Qualcomm Stadium. Players will be signing autographs for fans 14 and under beginning at 1:00 pm and the team will practice from 2:00-4:00 p.m. The 2005 Charger Girls will have their first public performance. Kids will have the opportunity to enjoy a host of free activities.

Fans should dress for summer comfort, including a hat and sunscreen. They may bring in their own beach chairs, coolers, snacks, soft drinks and water. Alcoholic beverages, video cameras, pets and weapons of any kind are NOT PERMITTED.

NOTE: Practice times are subject to change. Go to the Training Camp Practice Schedule on Chargers.com or contact the public relations department at (858) 874-4500 to confirm practice times.

Training Camp History

Chargers Park is the ninth training camp site in the 45-year history of the San Diego Chargers. The team held its initial training camp in 1960 at Chapman College in Orange, California, before moving to the University of San Diego from 1961-62. In 1963, the team trained at Rough Acres Ranch in Boulevard, Calif., located in the rugged hills east of San Diego. The Chargers also trained in Escondido (1964-68), the University of California-Irvine (1969-1973), United States International University (1974-75), the University of California-San Diego (1976-2002) and the Home Depot Center in Carson, California (2003-04). Previous Training Camp sites:

- * The Home Depot Center, California State University Dominguez Hills, Carson. (2003-04)
- * University of California-San Diego, La Jolla (1976-2002)
- * United States International University, San Diego (1974-75)
- * University of California-Irvine, Irvine (1969-1973)
- * Travelodge, Escondido (1964-68)
- * Rough Acres Ranch, Boulevard (1963)
- * University of San Diego (1961-62)
- * Chapman College, Orange (1960)